

UNIVERSITY OF TORONTO



3 1761 01583224 9

Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation



THE LESSON
OF
POPULAR GOVERNMENT

•The  Co. •

Pol. Sci.
Govt
B799k

THE LESSON

OF

POPULAR GOVERNMENT

BY

GAMALIEL BRADFORD

"Let none objecte this is men's corruption, and nothing to
ye course itselfe. I answer, seeing all men have this corrup-
tion in them, God in His wisdom saw another course fiter for
them." — BRADFORD'S *History of Plimoth Plantation*, p. 97.

VOL. I

H 1228
14/9/99

New York

THE MACMILLAN COMPANY

LONDON: MACMILLAN & CO., LTD.

1899

All rights reserved

COPYRIGHT, 1899,
By THE MACMILLAN COMPANY.

Norwood Press
J. S. Cushing & Co. -- Berwick & Smith
Norwood Mass. U.S.A.

To My Friends,

WENDELL PHILLIPS GARRISON,

OF THE NEW YORK *NATION*,

EDWARD HENRY CLEMENT,

OF THE BOSTON *TRANSCRIPT*,

JOHN HENRY HOLMES,

OF THE BOSTON *HERALD*,

IN GRATEFUL ACKNOWLEDGMENT OF THE LIBERALITY
WITH WHICH THEIR JOURNALS WERE PLACED AT MY
DISPOSAL DURING THE MANY YEARS IN WHICH THE
VIEWS HEREIN EXPRESSED WERE TAKING SHAPE,

This Book is Respectfully Dedicated.

PREFACE

BOOKS, other than those for amusement, may be divided into didactic, historical, and argumentative. It is hardly necessary to say to which class the present work belongs. More than thirty years ago, in studies connected mainly with financial questions, my attention was attracted towards certain peculiarities in the political working of our institutions. Continued study and observation have greatly strengthened and extended the impressions then received.

For those whose idea of patriotism is to boast unceasingly that ours are the only human institutions which have attained perfection, that any public expression of doubt or criticism is little less than treason, and that all shortcomings and misdeeds must be charged to the perversity and wickedness, or, at the very least, ignorance and folly, of the people, this book can have no meaning. To those, on the other hand, whose admiration and reverence for the Federal Constitution and the organization of our governments, for the wonderful combination of unified strength with local independence, are only increased by a consciousness of the strain to which they are exposed; who, taking note of the facts that the three millions of population have expanded to over seventy. to

a large extent of foreign importation, the thirteen states to forty-five, and the territory from a strip of seaboard on the Atlantic to the breadth of a continent bounded by two oceans, feel strongly that, while the principles of the government and the character of the people are still sound and reliable, some modifications and readjustments of the machinery must take place, unless we are to drift through practical anarchy and increasing corruption to military despotism;—to such the most searching study and unsparing criticism will be welcome as furnishing light and guidance for the future.

Such works as Mr. Bryce's "American Commonwealth" and Professor Woodrow Wilson's "Congressional Government" may well be said to mark an epoch, and are supported by a host of lesser studies, though it is an anxious question whether they will be able to make any headway against the opposing forces.

A large use has been made of extracts from other writers: first, in the hope of giving greater interest from variety of style, and secondly, because, since they are summoned as witnesses and experts, their testimony and arguments are much more forcible in their own words than in abstracts which might be suspected of prejudice.

The modern history of France has been reviewed at some length from the point of view of the whole book, because of the profound instruction which it offers in relation to that of the United States, but those who do not care to follow the former may conveniently pass from Chapter VI. to Chapter XVI., or, indeed, from Chapter IV., containing an analogous view of English history.

It may be hoped, however, that the interest of the later portion will induce them to recur to the comparative view.

If the work shall furnish any stimulus to practical study and effort for the amelioration of our politics, the devotion by the author of half the allotted term of human life will have been repaid.

THE AUSTERFIELD, BOSTON, MASS.,

October, 1898.

TABLE OF CONTENTS

VOL. I

CHAPTER I

UNIVERSAL SUFFRAGE

	PAGE
A new force in the world	1
Its representation unknown till this century	1
Proof from the example of Great Britain	2
Proof from the example of France	3
From Switzerland and Germany	5
From Spain	6
From Italy and Dutch Republic	7
From Belgium, Denmark, Norway, Sweden, and Greece	8
From United States, Central and South America	9
From British colonies in the Pacific Ocean	9
No evidence of value before this century	10
Three forms of political bodies	10
Use of the term in this work defined	12
Woman suffrage	13

CHAPTER II

SOME CRITICISMS OF DEMOCRACY

President Woolsey on political science	15
Francis Parkman	16
Sir Henry Maine	18
Evidence of a century	24
In Great Britain	25
In France	31
In Spain	32
In Italy and the German Empire	33
In the United States	34

CHAPTER III

ORGANIZATION IN DEMOCRACY

	PAGE
Universal suffrage inevitable	37
Success a question of machinery	38
Nature of the force	38
Two motives, self-interest and moral enthusiasm	40
Latter aroused by personality	41
One man power	43
Executive essential branch of government	43
Neither people nor legislature can govern	44
Danger from legislature	45
Relation of the two branches	46
Illustration from the old confederation of American States	50

CHAPTER IV

POPULAR GOVERNMENT IN GREAT BRITAIN

Formation of modern society	57
Long Parliament in England	58
Government of Cromwell	61
Government of William and Mary	63
Development of modern government in Great Britain	64
The Privy Council and the Cabinet	65
Cabinet government not known at our Revolution	66
Corruption and escape from it	69
Summary of chapter	72

CHAPTER V

CABINET GOVERNMENT IN GREAT BRITAIN

Description of Cabinet	74
Presence of ministers in Parliament	76
Conditions involved	78
Functions of ministers in Parliament	79
Responsibility of ministers to Parliament	83
The opposition	85
Conduct of business	87
Dissolution of Parliament	90
J. S. Mill on limitation of legislature	91

CHAPTER VI

CABINET GOVERNMENT IN GREAT BRITAIN (*Continued*)

	PAGE
The Speaker of the House of Commons	92
Three attributes of the ministry	95
Beginning of Parliamentary Reform	96
The Manchester massacre	99
How civil war was averted	101
Financial Reform	105
Corn Law Reform	107
Defects of Cabinet system	109
Gneist on the English Constitution	113

CHAPTER VII

FRANCE BEFORE THE REVOLUTION

Study of Revolution freer from passion	115
Race and circumstances in English and French history	116
Difference of royal taxation in the two countries	117
From Louis XI. policy of French kings was divide and rule	121
Centralization in France	124
Government by Intendants	124
Church and State in France and England	128
Parallel of modern history in the two countries	131

CHAPTER VIII

THE FRENCH REVOLUTION

Convocation of the Notables	133
The States General	134
Comparison with Long Parliament and Philadelphia Convention	135
H. M. Stephens, "Orators of the French Revolution"	137
Opposing forces	139
Character of work to be done	140
Finances, assignats, socialism	143
Mirabeau's plan of executive power	144
Self-denying ordinance; France and England	146
Work of National Assembly	147

	PAGE
The Legislative Assembly	148
The Jacobin Club	149
Development of the Paris Commune	153
Marat	155
Danton	156
Robespierre	158

CHAPTER IX

FRANCE IN THE FIRST HALF OF THE NINETEENTH CENTURY

Reaction from the Reign of Terror	162
Royalists crushed by Augereau, September 4, 1797	165
Republic of Naples	166
Consulate and empire	167
Internal rule of Napoleon	169
His educational system	170
Effects of his rule on the French people	173
The Restoration	174
The Revolution of July	179
Compared with English Revolution of 1688	180
Périer, Thiers, and Guizot	180
Government of Louis Philippe	185
What might have been in England	187

CHAPTER X

FALL OF THE MONARCHY OF JULY

Reasons for expecting success	189
Situation of the government at end of 1845	190
Publications in 1847 by Michelet, Louis Blanc, and Lamartine	192
Agitation for parliamentary reform — The banquets	193
Signs of approaching revolution	195
The National Guard	200
The outbreak of February 23, 1848	202
Guizot resigns	205
Ministry formed under Thiers	207
Abdication and flight of the king	208
Departure of the Duchess of Orleans	211
Causes of failure	212

CHAPTER XI

THE REVOLUTION OF 1848

	PAGE
Populace of London and Paris	215
De Tocqueville as to the Revolution	216
Character of the new Legislative Assembly	219
Formation of the new government	221
Men composing it	222
Accepted by the country	226
Difficulties to be met	227
Formation of national workshops	228
Commission on the constitution	231
Strife of classes	234
The days of June	238

CHAPTER XII

FRANCE. THE SECOND EMPIRE

Three factions striving for rule	240
Revival of Napoleon worship	241
Presidential election of 1848	243
Defeat of constitutional amendment to make the president reëligible	246
Possible alternatives of the <i>coup d'état</i>	247
Instruments of the work	249
Character of the empire	251
The intervention of Prussia	252
"The French Scare of 1875"	256

CHAPTER XIII

THE SIEGE AND THE COMMUNE OF PARIS

Paris in September, 1870	257
Formation of the government of national defence	258
Men composing it	259
Paris besieged. Ferrières	262
Resources of the city	264
Crisis of October 31	265

	PAGE
Plebiscite demanded November 1	267
Events in the provinces	269
Negotiations for peace	272
The Commune and the National Guard	275
The central committee	277
Danger began with armistice	279
Causes of the disaster	280
Moral causes of the insurrection	283
The Germans at Versailles	285

CHAPTER XIV

FRANCE. THE THIRD REPUBLIC

The same problem in France and the United States	287
Difficulties of electing an Assembly	288
Assembly at Bordeaux	289
Thiers elected chief executive	291
One man compared with a committee	293
Encroachment of the Assembly	294
MacMahon succeeds Thiers	297
Is succeeded by M. Grévy	300
Development of the Republic	301
Analysis by M. Lamy	302
What it shows	310

CHAPTER XV

THE THIRD REPUBLIC (*Continued*)

Constitutional argument of De Broglie	312
The power of dissolution	317
What a president might do	318
His impotence	319
Standing committee system in France	320
Effect on the "Budget"	322
Difference of English and French procedure	324
Effect on the men in public life	325
French methods tend to socialism	326
Effect on legislation	329
Effect on finance	330

CONTENTS

xvii

	PAGE
Bodley's "France"	332
His conclusions examined	333
How the future of France might be modified	343
The Dreyfus case	345

CHAPTER XVI

THE PRESIDENT OF THE UNITED STATES

Causes of difference of English and French history	350
Executive power in the United States	352
Presidential election by States	354
High personal character of Presidents	356
Why great men are not chosen	356
Limited power of President	357
Contrary arguments examined	362
Futility of veto	366
Limited power produces limited men	370
Methods of nomination	372
Apparent and real meaning of election	375
Election by people compared with that by legislature	380

CHAPTER XVII

GOVERNMENT BY LEGISLATURE

No constitutional separation of powers	382
Danger from encroachment by the legislature	383
Analysis of Congress	385
The whip and the lobbyist	387
No national representative in the House	389
And none of administration	389
Government by standing committees	390
The Speaker	394
Opportunities for corruption	396
The United States Senate	398
Difference of House and Senate procedure	402
Weakness and anarchy of the House	405

CHAPTER XVIII

GOVERNMENT BY LEGISLATURE (*Continued*)

	PAGE
Effect of procedure upon members	409
Position in Congress	411
Two kinds of members	412
Small share of voters in selecting members	415
Public office not something to do, but to get	416
Why best men do not go into politics	419
Mr. Bryce's explanations examined	420
Effect of political methods on voters	426
Danger of growing strife between classes	429
Beneficial effect of universal suffrage	430

CHAPTER XIX

GOVERNMENT BY LEGISLATURE (*Continued*)

Effects upon legislation	432
Initiative open to every member of either House	432
Members represent only districts or States	432
President and Cabinet representing whole nation and adminis- tration have no voice	432
Spoils system replaced by money as motive power	434
Example of tariff in administration	435
Comparison with Great Britain	437
Civil service reform in the United States	440
Comparison with Great Britain	444
Slavery conflict in the United States	452
Compared with parliamentary reform in Great Britain	455
What might have been in the United States	456

CHAPTER XX

PUBLIC FINANCE

Domestic compared with public finance	459
British compared with American finance	460
Management of United States public debt	461
Effect of high tariff as a political instrument	463

CONTENTS

xix

	PAGE
Counteracted by pension list	465
Separate treatment of revenue and expenditure	466
Renewed increase of public debt	467
Treatment of the currency worse than that of debt	469
Theory of currency	470
Nature and fluctuations of bank deposits	471
Rapidity of circulation	474
English treatment of currency	477
That of the United States	480
Secretary Chase and legal tender notes	484
Establishment of national banks	485
The invasion of silver	487
Importance of the subject	491

CHAPTER XXI

THE SPIRIT OF PARTY

Washington's farewell address	492
Party and faction	493
Basis of parties	495
Parties in Great Britain	496
Republican party in the United States	497
Want of party discipline in Congress	498
Republicans and Democrats	501
Attempts to form new parties	503
Proportional representation	505
How parties are held together	508
The obligation of party	509
Effect of existing parties on voters	512
The case of Venezuela	513
Consequences of war spirit in Congress	518
Why the judiciary is not discussed	519

THE LESSON

OF

POPULAR GOVERNMENT

CHAPTER I

UNIVERSAL SUFFRAGE

IT sounds like a truism to say that within little more than a century a force has made its appearance in the world which was never before known, and which, having already changed the whole face of human society, points to still greater changes in the future. Allusion is made, however, in the present case, not to either steam or electricity, to the locomotive engine or the telegraph or the telephone — not to a physical, but a moral force; that is, the carrying on of governments, if only in theory, in accordance with the expressed wish of the great mass of the people. The phrase ‘little more than a century’ is strictly correct, because the modern system of representation, based upon the votes of a whole people, is certainly not older than our Federal Constitution. There may have been governments, as in the old Teutonic tribes, where all the people had a direct voice in making the laws. There have, of course, been governments, as in Venice and England before this century, carried on by selected members of certain classes. But none of these answer the conditions of what is now known as government by universal suffrage. Athens is supposed to be the typical democracy of antiquity. Yet at a time

when Athens had more than half a million of inhabitants, the *demos* or active people, the assembly of citizens, was never over twenty thousand, and there were seldom more than six thousand present at the public assembly, a sort of exaggerated town meeting.¹ In Rome, what was meant by the plebs or people seems to have been the richer classes of citizens, and the struggle for power was between them and the patricians. The mass of small tradesmen, workmen, and slaves had little to do with the government beyond their power as a mob.

To show how modern the system really is, it may be worth while to examine the dates of introduction of a widely extended suffrage among the leading nations.

In Great Britain, down to 1832, the representation was about on the same basis as in the reign of Henry VI. The knights of the shire were nominees of the nobles and great landowners; the borough members were returned by the Crown, by noble patrons, or by close corporations of self-elected burgesses, and even the representation of cities, with greater pretensions to independence, was controlled by bribery. By the reform bill of 1832 the first great change was made. About one hundred and fifty nomination members of Parliament were disfranchised and their places filled by members elected from the large towns and counties. In the towns those occupying houses worth \$50 a year were given votes, while in the counties tenants at will paying rents of \$250 a year, and those holding leases for terms of years at \$50 a year, were also given the franchise.

By the reform bill of 1867-68 the franchise was extended in the boroughs to lodgers in tenements worth \$50 a year unfurnished, and all occupiers of dwellings which were assessed for poor rates. In counties the qualification was reduced for holders of leases from \$50

¹ Woolsey, "Political Science," Vol. I., pp. 206, 483.

to \$25 a year, and for tenants at will from rents of \$250 to those of \$50, so that in practice every one could vote who had a fixed home.¹ The voters were, in 1886, for the whole of Great Britain, according to Whitaker's *Almanac*, 6,067,131, an average of 9055 electors to each member. We need not now discuss the effect of these changes, but merely observe how great and how recent they are. It may be remarked incidentally, however, that in 1854 was passed the Corrupt Practices Act, to prevent bribery at elections; that in 1868 the House of Commons surrendered its power of deciding disputed elections, transferring it to the courts; and that in 1872 the Ballot Act was passed, enabling votes to be cast secretly and without intimidation.

In France the first States-General was held under Philip the Fair in 1302. Having a quarrel with the Pope, the king summoned an assembly which was composed of a large number of ecclesiastics, thirty-one princes and nobles, with magistrates and citizens of the principal cities of France. Similar assemblies were held at pretty wide intervals during the next three centuries. When the king sent out a summons the nobles and the clergy sent what deputies they chose, and the inhabitants in the towns and villages chose electors at their discretion, who in turn came together and chose deputies to the States-General. As the king, the royal family, and the great ministers of state were present, it is evident that the power of the peo-

¹ Qualifications in England are now a freehold or copyhold of £5 yearly value, leasehold of £5 yearly value for sixty years or more, leasehold of £50 yearly value for twenty years or more, in counties or towns which rank as counties. The occupier of land or tenements of the yearly value of £10 is qualified to vote in any part of the United Kingdom. The inhabitant occupier of a dwelling-house or of any part of a house occupied as a separate dwelling is qualified, but throughout the United Kingdom both these franchises are dependent upon payment of rate. Lodgers occupying rooms of the yearly value of £10 value are also qualified. — *Chambers' Cyclopædia*. 1891, article "Franchise."

ple was not great. They could do little but present their grievances, of which the king took such notice as he pleased. The idea of representation was there, but not in its modern form. No States-General met after 1614 till the Revolution, and when Louis XVI., under the pressure of financial necessity, wished to call a similar body in 1789, so little was known of the old procedure that scholars were employed to make a study of it. By the constitution of 1791 voters must be twenty-five years old, be domiciled in a city or canton for a period required by law, pay taxes equal to three days' labor and show a receipt for them, and must not be a servant at wages. The election was double; that is, the voters chose electors and the electors deputies, and the electors of the second degree were limited to those who paid taxes equal to two hundred days' labor. By the constitution of 1814 the pecuniary qualification for an elector was fixed at \$60 in taxes and for a deputy \$200 in taxes. The number of voters for all France was thereby limited to seventy thousand in a population of twenty-eight millions. By the constitution of 1830 the qualification of voters was reduced to \$40 in taxes, while members of the Institute and officers of the army and navy were allowed to vote upon payment of \$20 taxes. Even these conditions kept down the number of voters to a very small proportion of the population and there were charges of extensive corruption among these by the use of offices. An attempt at a reform movement, such as had recently been so successful in England, brought on the Revolution of 1848. Then for the first time was established a National Assembly with direct election by the whole people, every Frenchman having a vote, without pecuniary qualification, who had reached the age of twenty-one years, had resided six months in the commune, and was in the enjoyment of civil and political rights. The Emperor Louis Napoleon professed to base his title

upon popular election, and however little of real power the people possessed, the form of universal suffrage was kept up, the plebiscite amounting in 1870 to nearly nine millions of votes in a population of thirty-six millions.

Switzerland down to 1798 was composed of a confederation of aristocratically governed states, as loosely bound together as that of the United States before 1789, and having pretty fully developed most of the evils which in the latter were making themselves felt. To quote the writer who has given perhaps the best analysis of existing Swiss institutions : ¹ —

These aristocracies were particularly obnoxious to the revolutionists of France, and after the latter had sufficiently cured the evils of human society in their own country, they determined to rectify the political affairs of Switzerland according to their views of the rights of man. According to the government then established the central legislature consisted of a Grand Council of Representatives, elected from the cantons according to population. After a brief period of five years this arrangement was modified by Napoleon; while the changes of 1815 and 1830 carried back the central government to the condition of the previous century.

It was only in the constitution of 1848 that the present rule was adopted, by which every Swiss who has completed twenty years of age, and who in addition is not excluded from the rights of a voter by the legislation of the canton in which he is domiciled, has the right to vote in the elections for the National Council and in popular votes.

Germany down to the first French Revolution consisted of a maze of despotisms, some three hundred in number, of greater or less size, in which popular power was unknown. In 1815 the number of potentates was reduced to forty. The Diet consisted merely of representatives of the princes, whose one object was to stifle popular progress in any province where it might break out. Whenever the people of a single state endeavored to obtain free institu-

¹ "State and Federal Government in Switzerland," by John Martin Vincent, Ph.D., Librarian and Instructor in Johns Hopkins University. Baltimore, 1891.

tions the Diet found occasion to interfere in favor of despotic power. Prussia, by the constitution of 1850 and as a consequence of the Revolution of 1848, established a House of Deputies, to be filled by universal suffrage with double election. Austria in 1860 established a Diet of one hundred members, chosen by the provincial diets. In the German Empire, by the imperial constitution of 1871, it was first provided that the Reichstag or Imperial Parliament should be elected by direct universal suffrage, at the average rate of one deputy to one hundred thousand of population. Every German having reached twenty-five years of age, in good standing and belonging for at least a year to one of the confederated states, is entitled to a vote. It is an important exception, however, both in the case of Germany and France, that soldiers in the active army are not allowed to vote either in the local elections or for the Chamber of Deputies.

In the Spain which was ruled by Philip II. and the Catholic Inquisition there could be little room for popular power. The first approach to it was in the constitution of 1812, extorted from Ferdinand VII. and afterwards so grossly violated. By it all the inhabitants of the parishes were to assemble and choose delegates to what we should call a "convention" of the department. This convention chose delegates to a convention of the province and the convention of the province chose deputies to the single chamber of the Cortes. This latter was, therefore, three removes from the people. The constitution of 1869 first established direct universal suffrage for the popular chamber of the Cortes, with the ratio of one deputy to each fifty thousand inhabitants. The franchise was, however, still more restricted than in France or Great Britain. The voter must be twenty-five years of age, and, besides being in the enjoyment of civil and political rights, must have paid a tax upon realty of \$5

for one year, or a personal property tax of \$10 for two years, though an exception was made in this respect in favor of certain literary and official classes.

"The geographical expression" known as Italy was even more backward than Spain. The first constitution established was that granted in 1848 by Charles Albert to the kingdom of Sardinia and which was subsequently extended to the whole peninsula. When the Austrians offered to replace his son, Victor Emmanuel, on his throne by the force of bayonets if he would consent to abolish the constitution, that hero replied: "No! We have sworn to observe it and we will keep faith, even if we have to emigrate to America." He lived to reap his reward. In Italy, as in Spain, with one deputy to each fifty thousand inhabitants, there is a considerable pecuniary qualification attached to the vote, the requirements being,

1. That the voter shall be in the enjoyment of civil and political rights, irrespective of religion.
2. That he shall be able to read and write.
3. That he shall be twenty-five years of age.
4. That he shall have paid an annual tax equivalent to \$8.

Here, also, as in Spain, exception is made in this last respect in favor of certain literary and official classes.

The famous Dutch Republic of the seventeenth century was a confederation of provinces more or less aristocratically governed, as was that of Venice.¹ The constitution of modern Holland dates from 1815, with modifications in 1840 and 1848. Voters under it must be twenty-three years of age, enjoying full civil and political rights and pay taxes varying in the different provinces from \$8 to \$68, the smallest of which sums reduces the voters to a

¹ I am indebted for much of this information to the work entitled "Constitutions Européennes," par G. Demombynes, Avocat à la Cour d'Appel de Paris. Paris, 1881.

small proportion even of the adult male population. In the popular chamber there is one deputy to about forty-five thousand inhabitants.

Belgium, having been a part of the kingdom of the Netherlands, first received a separate constitution in 1831. Under it voters must be either born or duly naturalized citizens, twenty-one years of age, and pay at least \$8.50 in direct taxes. A voter cannot be registered unless he proves that he possesses that sum for the current year, and has actually paid it for three years previous. The effect of this was to limit the suffrage to one in thirteen of adult males or one in fifty of the total population. It was not till 1893 that a constitutional change increased the voters by tenfold.¹

In Denmark, by the constitution of June 5, 1849, which was somewhat modified in 1866, the popular chamber is chosen by direct suffrage of all inhabitants thirty years of age, in good standing, and domiciled for one year, with the exclusion of those receiving public charity or domestic wages, unless having a separate house.

In Norway, by the constitution of 1814, the people choose deputies at the rate of one to fifty voters in towns and one to one hundred in the country, and these deputies elect from themselves and other voters the representatives in the Storting. Electors must be twenty-five years of age, resident for five years, and, except in the case of officials, possessing in the country a farm either in freehold or under lease for more than five years. In cities they must be burgesses or possess house or land of a value of \$350.

The Swedish constitution, though it dates from 1809, was only placed on a popular basis in 1866. Every elector for the popular chamber must be twenty-five years of age, domiciled in a commune, and must possess either —

¹ See *post*, Chap. XXVII.

1. Property or usufruct of real estate valued for assessment at \$280, or
2. Have a lease for life, or at least five years, of farm property valued at \$1680, or
3. Pay to the State a tax calculated on an annual revenue of \$225.

In the kingdom of Greece, by the constitution of 1864 and the electoral law of 1877, every male member of a commune aged twenty-one years is entitled to a vote for the popular chamber.

Crossing the Atlantic, we find that under the Federal Constitution the qualifications of voters for the House of Representatives are those fixed by the states for the corresponding body. In Massachusetts the constitution of 1780 required the possession of a freehold estate in a town of £3 annual income, or of any estate valued at £60, and it was not till 1822 that this was changed to the payment of any tax. Connecticut till 1845 required the possession of a freehold of the annual value of \$7. Rhode Island till 1842 required real estate of the value of \$134, or which was rented for \$7. In New York the constitution of 1777, which continued in force till 1826, required a freehold of £20 value, or the rental of a tenement of the yearly value of 40 shillings. New Jersey till 1844, Virginia till 1850, North Carolina till 1865, and Pennsylvania and Delaware till 1873, enforced pecuniary qualifications which were much more important than they seem at present. The majority of our present state constitutions did not exist till within this century. In the whole of Central and South America there was nothing like popular government until after the revolt from Spain in the third decade of this century. The great commonwealths which are growing up in the Pacific Ocean — Australia, Tasmania, and New Zealand

— did not come into being till the century was well advanced.

From what has been said, therefore, it may fairly be concluded that no criticisms upon democracy, so far as that term applies to governments representative of universal suffrage, have any weight of precedent or experience prior to this century, for the reason that the thing did not exist in its present form. It cannot be shown that the circumstances were applicable to the present question. As far as history is in point we are debarred from going back of the nineteenth century. Unless thus modern in date any evidence can only be based upon the principles of human nature, as to which we need to be very careful that the analysis is accurate and the inferences legitimate.

A quotation may be given in illustration of this.

There have been three ways in which great political bodies have arisen. The earliest and lowest method was that of *conquest without incorporation*. A single powerful tribe conquered and annexed its neighbors without admitting them to a share in the government. It appropriated their military strength, robbed them of most of the fruits of their labor, and thus virtually enslaved them. Such states degenerate rapidly in military strength. Their slavish populations, accustomed to be starved and beaten or massacred by the tax-gatherer, become unable to fight, so that great armies of them will flee before a handful of freemen, as in the case of the ancient Persians and the modern Egyptians. To strike down the executive head of such an assemblage of enslaved tribes is to effect the conquest or the dissolution of the whole mass, and hence the history of Eastern peoples has been characterized by sudden and gigantic revolutions.

The second method of forming great political bodies was that of *conquest with incorporation*. The conquering tribe, while annexing its neighbors, gradually admitted them to a share in the government. In this way arose the Roman Empire, the largest, the most stable, and in its best days the most pacific political aggregate the world had as yet seen. Throughout the best part of Europe its conquests succeeded in transforming the ancient predatory type of society into the modern industrial type. It effectually broke up the primeval clan system, with its narrow ethical idea, and arrived at the broad conception of rights and duties coextensive with humanity. But in the method upon which Rome proceeded there was an essential element of weak-

ness. The simple device of representation, by which political power is equally retained in all parts of the community, while its exercise is delegated to a central body, was entirely unknown to the Romans. Partly for this reason and partly because of the terrible military pressure to which the frontier was perpetually exposed, the Roman government became a despotism which gradually took on many of the vices of the Oriental type.

The third and highest method of forming great political bodies is that of *federation*. The element of fighting was essential in the two lower methods, but in this it is not essential. Here there is no conquest, but a voluntary union of small political groups with a great political group. Each little group preserves its local independence intact, while forming a part of an indissoluble whole. Obviously this method of political union requires both high intelligence and high ethical development. In early times it was impracticable. It was first attempted, with brilliant though ephemeral success, by the Greeks; but it failed for want of the device of representation. In later times it was put into operation with permanent success, on a small scale by the Swiss and on a great scale by our forefathers in England. The coalescence of shires into the kingdom of England, effected as it was by means of a representative assembly, and accompanied by the general retention of local self-government, afforded a distinct precedent for such a gigantic federal union as men of English race have since constructed in America. The principle of federation was there, though not the name.

And here we hit upon the fundamental contrast between the history of England and France. The method by which the modern French nation has been built up has been the Roman method of conquest with incorporation. As the ruler of Paris gradually overcame his vassals, one after another, by warfare or diplomacy, he annexed their countries to his royal domain and governed them by lieutenants sent from Paris. Self-government was thus crushed out in France, while it was preserved in England. And just as Rome acquired its unprecedented dominion by adopting a political method more effective than any that had been hitherto employed, so England, employing for the first time a still higher and more effective method, has come to play a part in the world compared with which even the part played by Rome seems insignificant. The test of the relative strength of the English and Roman methods came when England and France contended for the possession of North America. The people which preserved its self-government could send forth self-supporting colonies; the people which had lost the very tradition of self-government could not. Hence the dominion of the sea, with that of all the outlying parts of the earth, fell into the hands of men of English race; and hence the federative method of political union—the method

which contains every element of permanence and which is peaceful in its very conception — is already assuming a sway which is unquestionably destined to become universal.¹

It will be seen hereafter how strongly we insist upon these ideas in maintaining that the difference between the English and French people is much more that of history and circumstances than that of race; as also how they bear upon the tendency of the momentous changes which we have described as taking place in the governments of the United States.

Inasmuch as the phrase 'universal suffrage' must be used more or less in a conventional sense, it seems desirable at the outset to define as closely as possible the meaning in which the words will be employed throughout this work. In adopting as a substitute the phrase 'adult manhood suffrage,' there are still modifications to be made. These exclude, almost of course, paupers receiving state aid, criminals, and men who have for any reason lost their civil rights, a penalty which, perhaps, might be applied with desirable effect to some offences against society not coming strictly under the head of crime. Some restrictions also as to length of residence, whether in the country, state, district, or town, or more strictly under one roof, seem not unreasonable whether as to voting or naturalization. Moderate requirements as to education, such as reading and writing, especially in countries where a common school education is compulsory and in a large measure gratuitous, seem to be both just and expedient. Nor do these conditions exclude such moderate poll tax as any man not actually in circumstances of destitution should be willing to pay for the privileges of citizenship. The principal restriction, which is objected to as unjust and unwise, is in such property qualifications for the right of voting as may exclude or

¹ John Fiske, "The Destiny of Man," Chap. XIII.

weigh heavily upon a large class of the population simply because they are poor, and which must therefore shut out the large majority from any voice in the government.

With regard to woman suffrage, as it seems at once impossible to pass it by in silence and profitless to enter upon a full discussion, the reasons may be briefly stated why it is in this work not taken into consideration. While the actual daily work of carrying on the world as it is is of necessity intrusted almost wholly to men, the far higher and nobler mission is given to women of preparing the conditions under which it is to be conducted in the long and permanent future. Even in the most primitive states of society the quality of the rising generation, to a great extent physically but in a far wider and more important sense morally, is dependent upon the women; and this becomes very much more true as civilization advances. From early childhood to maturity, even in the case of boys, the plastic influence of the father is comparatively slight, and in the case of girls the action of the mother continues still later in life. The claims of society are in the same direction. The match-making tendency of mothers is often a subject of ridicule, but if we consider how deeply the happiness of both sexes, but especially of women, is involved in the result of marriage, it is impossible to overestimate the thought and anxiety which every true woman will give to the subject in the case of her children.

If, then, in the economy of nature the training of children is the essential function of woman, it is of the first necessity that her attention and her energy should be concentrated in the home. The excitement and distraction which must follow from any effective participation in politics, the intrigue and pressure which would be brought to bear upon her, could not but work serious injury in this respect. No doubt there is a large part of the female sex

which remains unmarried, or being married has no children. It will hardly be maintained, however, that the right of suffrage should be limited to this class, which probably forms a minority of the whole. It will be said that single women with property are unrepresented, to which we reply that property as such does not enter into our scheme of representation. It is a matter of common observation how many women, having gained laborious and expensive acquirements with a view to an independent existence, give them all up upon marriage and devote themselves to their families; and, again, in the average American family, how powerful are the influence and control exercised by the women over the men, an influence all the more effective through its separation from external affairs, and which would be seriously lowered by participating in the conflicts of the political arena.

While, therefore, every opportunity which could affect the condition of individual women who have no claims upon them, every advantage of education, of employment, of entry into professions, should be freely laid open to them, a requirement which, like the suffrage, should affect the social status of woman as a whole may yet be logically regarded as undesirable. Granting, for the sake of argument, that the character of politics might upon the whole be raised by female voting, it may still be maintained that this would be purchased at too great a sacrifice by breaking down the barrier which reserves to woman a separate and sacred mission in the world.

CHAPTER II

SOME CRITICISMS OF DEMOCRACY

THOSE persons, who look with foreboding upon the future of popular government and the dangers of the increasing tendency towards basing political power upon universal suffrage, may be said to take their departure from one proposition, — that as the great mass of a people are and must be poor and ignorant, they cannot understand political questions, and that the narrowness of their lives and the want of control over their passions must make their political action both unreliable and unsafe. It may be doubted, however, whether observation and experience of men on a wide scale in civilized countries do not show that those who are well-to-do, and even those who have enjoyed a higher education, are on the average quite as ignorant in political matters as the ordinary laborer, while their greater social needs and the constant struggle to maintain their position make them quite as selfish and grasping, as prejudiced and unjust, as those who have little hope of obtaining more than a precarious subsistence.

President Woolsey, in his work on "Political Science,"¹ says : —

We have felt ourselves obliged to maintain that universal suffrage does not secure the government of the wisest, nor even secures the liberties of a country placed under such a democratic constitution, much less secures its order and stability.

¹ Vol. I., p. 303.

It may well be asked whether any degree of restriction of the suffrage has in history produced these results, and whether even order and stability have not sometimes, as under the two Napoleons, been purchased at too high a cost.

The persons best qualified to choose will, in the long run, choose the best officers ;

which, apparently an axiom, is open to question, first, as to the definition of the major premise, and, second, whether the clause does not require the addition of two words ; namely, "for themselves."

If the classes of the community in question (that is, the poorer) are entirely honest, their situation in life prevents them from taking large views of public policy, and thus they will cast their votes for small men ; they will misjudge the character of candidates for office.

If one were to assert, on the other hand, that this is no more true of the poor and numerous class than of the comparatively small number who are favored with wealth or culture or both, the difference is not to be settled by logic or metaphysics, but, as in other sciences, by an appeal to facts, for which, as has been shown, history previous to this century does not furnish adequate material.

Let us call two witnesses as a sample of all the writers in the direction indicated by President Woolsey. The late Mr. Francis Parkman, of Boston, whose position as a man and a historian entitles everything he has said to respect, published an article in the *North American Review* for 1878, upon "The Failure of Universal Suffrage," from which the following extracts are taken : —

Crowded cities, where the irresponsible and ignorant were numerically equal, or more than equal, to the rest, and where the weakest and most worthless was a match by his vote for the wisest and the best ; bloated wealth and envious poverty ; a tinselled civilization above and a discontented proletariat beneath, — all these have broken rudely upon the dreams of equal brotherhood, once cherished by those who

made their wish the father of the thought, and fancied that this favored land formed an exception to the universal laws of human nature. They cried out for elevating the masses, but the masses have sunk lower. They called for the diffusion of wealth, but wealth has gathered into more numerous and portentous accumulations.

It remains an open question whether the facts justify all these assertions; whether the course of events is any worse, or not better, than in countries with more restricted suffrage; or whether they show that there would be any gain from restricting the suffrage here.

Mountains and mole hills, deserts and fertile valleys, and all the universal inequality of Nature are but types of inequality in men. To level the outward world would turn it into barrenness, and to level human minds to one stature would make them barren as well. The masses left to themselves are hardly capable of any progress, except material progress and even that imperfectly.

If there is one word in the language which excites hostility in the opponents of popular government, it is Equality. They insist that men are not and cannot be equal, either physically, intellectually, or socially, which may be granted in full without its disproving either the justice or expediency of giving a vote to all. Surely the poorest and meanest has the right to express his approval of, or dissatisfaction with, the government under which he lives. Whether he makes such bad use of this right as to justify the depriving him of it, is a question of fact and not of the meaning of the word 'Equality.'

The highest man may comprehend the lowest, but the lowest can no more comprehend the highest than if he belonged to another order of beings, as for some purposes he practically does. *Demos*, in his vague way, fancies that aggregated ignorance and weakness will bear the fruits of wisdom. Shall we look for an ideal security in that which tends to a barren average and a weary uniformity, treats men like cattle, counts them by the head, and gives them a vote apiece without asking them whether or not they have the sense to use it, — or in that which recognizes the inherent differences between man and man, gives the preponderance of power to character and intelligence,

yet removes artificial barriers, keeps circulation free through all its parts, and rewards merit when it appears with added influence?

Mr. Parkman admits that this last is an imaginary state of things, and the language is that of one who has hardly set himself to think out calmly the full import of what he is saying. To express bitter dissatisfaction with the condition in which one is placed is to convey an impression that any change may be for the better, and though the intention may be only to awaken so much of discontent as to create a demand for better things, yet the tendency is to reconcile the mass of unthinking minds to grasping at desperate and uncertain remedies. It is open to us, therefore, to demand of those who indulge in these tirades against democracy, to state what form of government they would have us live under and the steps by which they propose to attain to it.

Sir Henry Maine, from his well-known work on "Ancient Institutions," may be set down as a lover of the past, and from his high position and experience in British India as a believer in benevolent despotism. When, therefore, he writes upon "Popular Government" we may expect the severest criticism of which the case admits. The fallacy which seems to underlie his whole book is the very common one that because a limited number of educated men are best fitted to understand the principles of government, therefore they are more likely to govern for the general benefit. That is hardly the lesson of history. It may well be interpreted to show that the greed, the passion, the short-sighted selfishness, are just as great among the highest as the lowest.

In arguing that because few persons foresaw the first French Revolution therefore Great Britain may be on the eve of a similar one, Sir Henry Maine is led into something very like enthusiasm for the old French monarchy.

From the accession of Hugh Capet to the French Revolution, there had been as nearly as possible eight hundred years. During all this time the French Royal House had steadily gained in power. It had wearied out and beaten back the victorious armies of England. It had grown in strength, authority, and splendor till it dazzled all eyes. It had become the model of all princes. Nor had its government and its relation to its subjects struck all men as they seem to have struck Chesterfield.

If any one regards, to go no further back, the last half of the reign of Louis XIV., the Regency, and the reign of Louis XV. as models of government, it can only be said that judgments differ. It may well be maintained that there is little to choose between them and the Reign of Terror with the Committee of Public Safety. In fact, the one was the direct cause of the other. M. Taine is certainly no friend of the Revolution, but any one who will read his "*Ancien Régime*" may well feel that the seed of the harvest had been sown broadcast in advance.

Again, Germany for the corresponding eight hundred years was under the rule of an aristocracy. Is there a more wretched history, as far as the people are concerned, anywhere on this side of Asia? No doubt it produced a Goethe and a Beethoven, as Italy in the thirteenth century — another instance of the blessings of aristocratic government — produced a Dante and England in the seventeenth a Milton. With those who regard such men as an offset to infinite and unspeakable misery of the nameless millions there can, of course, be no argument.

Sir Henry, in approving "the greatest happiness of the greatest number" as a standard of legislation, says:—

It is inconceivable that any legislator should deliberately propose, or pass, a measure intended to diminish the happiness of the majority of the citizens.

Philip II. of Spain was probably as conscientious a legislator as ever lived, which did not prevent him from ranking almost with Genghis Khan as a scourge of man-

kind. It is not what the legislator intends, but what he does, that characterizes his government. Sir Henry proceeds: —

But when this multitudinous majority is called to the government, there is no security that this multitude will know what its own happiness is, or how it can be promoted.

Perhaps not, but it will make very poor work indeed if it does not do as much for its own happiness as is done by a Louis XIV or a Philip II., or even a Frederic II. or a William I of Germany.

One of the principal charges brought by Sir Henry against popular government is this: —

Experience rather tends to show that it is characterized by great fragility, and that since its appearance all forms of government have become more insecure than they were before. . . . The sooper student of history will note it as a fact, to be considered in the most serious spirit, that since the century during which the Roman emperors were at the mercy of the Prætorian soldiery, there has been no such insecurity of government as the world has seen since rulers became delegates of the community.

It may be argued that there is something even more important than the stability of government, and that is its capacity for change without revolution. It is certainly not an exaggeration to say that the government of France to-day does not differ more from that of Louis XIV. than the government of Great Britain does from that of George I. But what has it not cost France to accomplish the change, while there has been nothing worse than a riot on English soil for a century and a half? Thirty years ago the United States, from a condition of profound peace, was plunged into a tremendous civil war. One half of the states was arrayed against the other half. A million of men sprang to arms. Generals of the first rank worked their way to the front. Congress practically abdicated its functions. The Constitution

was in abeyance. For four years we lived under a military despotism, almost as complete as that of the Committee of Public Safety, though less cruel.

Yet no sooner was the war closed than all this passed away. Congress and the Constitution resumed their work; the army vanished; the generals disappeared into civil life, and within five years it became hardly possible to detect any signs of the great struggle. Are there many political systems which have shown greater toughness and elasticity than that? Probably Sir Henry Maine would regard the extension of the suffrage to the negroes after the war as the most reckless and dangerous political experiment that could be imagined. Yet the result has been that though the armed force of the general government was in a few years wholly withdrawn, the two races have lived side by side, with the exception of a few local riots, in perfect peace. The fact that both parties are bidding for the negro vote has compelled them not only to conciliate him, but to try to elevate his condition.¹

One of the critics² who at first replied to Sir Henry's book thought it necessary to disclaim enthusiasm for popular or any other form of government. There need be no hesitation in confessing such enthusiasm — not, indeed, on the ground imputed by Sir Henry Maine to the advocates of popular government, a supposed accordance with certain inherent rights of man, or with some original and imagined state of nature, but simply because from observation of what it has already accomplished in its brief history, and from what may be held as a fair inference

¹ The efforts of the whites to defeat and suppress the negro vote without attempting an educational qualification, and the increasing outbreaks of violence between the races, may fairly be charged to the weakness of the state governments, as hereinafter portrayed, unable to preserve order and enforce justice between classes. The explanation is fully adequate without resorting to a wholesale condemnation of negro suffrage.

² E. L. Godkin, in *The Nineteenth Century*, February, 1886.

from the past to the future, it seems to promise more of happiness for mankind than any other which the world has known.

In fact, Sir Henry Maine has fallen into certain inconsistencies, which would be surprising in such a writer, were it not apparent how strongly his judgment is influenced by fear and dislike. In stating his reason for the title of his work, he says, on page 67: —

What we are witnessing in West European politics is not so much the establishment of a definite system as the continuance, at varying rates, of a process. The states of Europe are now regulated by political institutions answering to the various stages of the transition from the old view that rulers are presumably wise and good, the rightful rulers and guides of the whole population, to the newer view that the ruler is the agent and servant, and the subject the wise and good master, who is obliged to delegate his power to the so-called ruler because, being a multitude, he cannot use it himself.

Now this is clearly the statement of a principle of government, which may be applied to an unlimited rule like that of Louis Napoleon, to a constitutional monarchy like Great Britain, or to a pure republic like the United States, and as a principle it is a legitimate cause of strong feeling or aversion. On page 57, however, all this is changed. There we read that—

Democracy is simply and solely a form of government.

And on page 64—

On the whole the dispassionate student of politics, who has once got into his head that Democracy is only a form of government, has a right to be somewhat surprised at the feelings which the advent of Democracy excites.

The *principle* of Democracy is that the people choose their rulers instead of being governed by those as to whom they have no choice. To whom and how they shall delegate power is what makes the form ; the discussion of which is the object of the present work.

Again Sir Henry starts with arguing that popular government is unstable and fragile in character, and that

Irreconcilables are tending constantly to pull it to pieces;

and yet that a wide suffrage

will in the long run produce a mischievous form of conservatism, and drug society with a potion, compared with which Eldonine would be a salutary draught.

In other words, popular government is to change constantly till it has destroyed existing institutions, and after that it will not change at all; decidedly not a cheerful view of affairs. The most surprising result of this reasoning is to assume

that the process of stamping upon the law the average opinion of an entire community is directed to an identical end with that of the Roman Catholic Church, which attributes a similar sacredness to the average opinions of the Christian world.

In other words, a consensus of opinion arrived at through a free press and free public discussion is identical with that produced by a hierarchy which has steadily, and in a great degree successfully, suppressed free thought and imposed upon mankind the dicta of an infallible pope and a Jesuit college. The peaceful uniformity of life in Great Britain and the United States, and the equality of France, are of the same kind that was brought about by the Inquisition in Spain under Philip II.

Page 13: —

The principle of popular government was thus affirmed less than two centuries ago, and the practical application of that principle outside these islands and their dependencies is not quite a century old.

Per contra.

There had been more than two thousand years of tolerably well-ascertained political history, and at its outset Monarchy, Aristocracy, and Democracy were all plainly discernible. The result of a long experience was that some monarchies and some aristocracies had shown

themselves extremely tenacious of life. But the democracies which had arisen and perished seemed to show that this form of government was of rare occurrence in political history, and was characterized by an extreme fragility.

Here, by his own showing, are two wholly distinct things. Popular government is to be judged only by its own experience, and in applying to it the tests of earlier history Sir Henry seems to be as illogical as are, in his view, Rousseau and Bentham. And when he adds, what is perhaps true, that, "of all forms of government Democracy is by far the most difficult," it seems as if a little charity towards partial failures would not be out of place.

Quitting now the ground of abstract and *a priori* argument, we will inquire what has been the practical result of popular government so far as it can be learned from a century of experience. At the outset it must be repeated, that with those who regard an upper class, limited in numbers but wealthy, cultured, and ornamental, placed securely beyond want and devoted to elegant leisure, as an offset to the unknown and uncared-for millions, who are left to live and perish like the beasts of the field, it is difficult to argue. The British House of Lords is no doubt a dignified and venerable institution, but if the average permanent welfare of the whole population of Great Britain could thereby be raised in even a small fractional degree, it might be permitted to regard the abolition of the House of Lords as a desirable event. Almost all accounts agree that social life among the higher classes in France before the first revolution was perhaps the most delightful in its charm which the world has ever seen. But if it involved the condition of the remainder of the population, its claim to existence could not, from the present point of view, stand for a moment. Everybody knows Burke's picture of a beautiful, virtuous, and

innocent queen falling a victim to the mob. Even if we admit this favorable view of her character, she suffered, and with as much justice as a great many other virtuous and innocent women have suffered, for the sins of her race and class. In this discussion we shall have to assume as the objective point "the greatest good of the greatest number," or rather the greatest average welfare of the whole, subject, no doubt, to demonstration of what that greatest good may really be.

Appealing then to history,¹ we will begin with Great Britain. Blackstone, writing in the last century, stated that there were 160 offences liable under the law to capital punishment,² and even in the first years of this century petty offences, such as sheep-stealing and the like, were punished with death, while executions were conducted by wholesale, under the most revolting and demoralizing cir-

¹ And in France that very equality which is by us so impetuously decried, while it has by no means improved (it is said) the upper classes of French society, has undoubtedly given to the lower classes, to the body of the common people, a self-respect, an enlargement of spirit, a consciousness of counting for something in their country's action, which has raised them in the scale of humanity.

To treat men as if they were better is the way to make them better. — MATTHEW ARNOLD, "Essay on Equality."

² Legislators had endeavored to protect property by punishing with death those who stole a sum of money which in their time was considerable, and the penalty was retained when the change in the value of money had made that sum insignificant. . . . Previous to the Revolution the number of capital offences in the statute book is said not to have exceeded 50. During the reign of George II. 63 new ones were added. In 1770 the number was estimated in Parliament at 154, but by Blackstone at 160; and Romilly, in a pamphlet which he wrote in 1786, observed that in the sixteen years since the appearance of Blackstone's "Commentaries" it had considerably increased. . . . 467 persons were executed in London and Middlesex alone in the twelve years from December, 1771, to December, 1783. In 1778 not less than 96 persons were hanged at the Old Bailey. On the other hand, in the great city of Amsterdam, which was about a third of the size of London, Howard found that in the eight years before his arrival only 5 persons had been executed. — LECKY, "History of England in the Eighteenth Century," Vol. VI., Chap. XXIII.

cumstances of publicity. To-day, treason and murder are the only crimes so punished, and those under conditions of privacy which prevent them from becoming a public scandal. Between 1840 and 1853 the punishment of transportation was also done away with and prison discipline immensely improved. Up to 1838 poor debtors languished in prison amid dreadful scenes of misery and injustice, till a bankrupt law in 1843 came to alleviate the condition of the less fortunate class of mankind. Among the first measures of the reformed Parliament of 1832 was the voting of one hundred millions of dollars to buy out slavery in Jamaica, which was shortly after followed by its abolition throughout the British dominions and the most earnest efforts for the suppression of the slave trade; and also the first law for limiting the hours of labor in factories, especially for children. Before 1832 the poor laws, based upon the statutes of Elizabeth, of William and Mary, and the 9th of George I., had produced a state of things which to the present generation seems wholly incredible. In 1834 was passed the new poor law, the benefits of which have amounted to a social revolution. From 1837 to 1839 was worked out the change of the postal system from the old complicated and burdensome rates, with the abuse of the franking privilege, to the uniform penny rate. Those now living who wish to form some idea of the resultant benefit should read the memoirs of Sir Rowland Hill.

In 1843 Lord Ashley, afterwards Earl of Shaftesbury, brought up in Parliament the subject of education, and showed that besides children educated at the cost of individuals, societies, and churches, there were still 1,014,193 children capable of instruction but receiving none, and that, while in Lancaster alone the punishment of crime cost £604,965, the annual vote for education for all England was only £30,000. In a publication of a

time now past¹ it is stated that the number of scholars in England and Wales was —

1818	1833	1851
477,225	1,548,890	2,407,642

and the proportion to population —

1 in 17.25	1 in 11.27	1 in 8.36
------------	------------	-----------

In 1870 was passed Mr. Forster's Education Act, as a consequence of which there were in 1889, in the public primary schools of England, Scotland, and Wales, 3,682,625 children, or one in ten of the population, exclusive of voluntary private, church, and advanced schools, of which the statistics are not given.

In 1833 a parliamentary grant of £20,000 was for the first time made in England to assist two societies engaged in popular education. In 1838 the parliamentary grant was raised to £30,000 a year. In 1892 the total expenditure of school boards in England and Wales amounted to the enormous sum of £7,134,386. The number of free scholars was about 3,800,000 and the number of children paying fees or partial fees was about 1,120,000.²

In the reformed Parliament of 1832 a proposal for a ballot Act was introduced by Lord Gray, but rejected by a vote of 211 to 206. The object was to replace, by secret ballot, the open voting in which the vote of every tenant and laborer was known to his landlord or employer. After discussion at intervals this reform was finally carried in 1872.

No greater change has taken place than in the freedom of the press and of public discussion. As a sample of the past, take the following: —

In Scotland, in May, 1794 — the Habeas Corpus Act then suspended — Mr. Thomas Muir, a barrister, and Mr. Palmer, a Unitarian minister of Dundee, were by Scotch law found guilty of sedition. The gravest charge against the former was that he had lent a copy of

¹ "England under Queen Victoria," by Edward H. Michelson, 1854.

² Lecky, "Democracy and Liberty," Vol. I., Chap. III., p. 262.

Paine's "Rights of Man" to some one who begged it from him to read. For this Mr. Muir was sentenced to fourteen years' transportation. Mr. Palmer was charged with publishing a seditious address, — that is, an address for reform — and was sentenced for seven years.

Mr. Skirving, Mr. Margarot, and Mr. Gerald, who appear to have been three respectable and respected workmen, were charged with belonging to a society for obtaining annual parliaments and a wide suffrage. They were sentenced to fourteen years' transportation and immediately shipped to Botany Bay.¹

The history of the newspaper press is nearly coeval with that of the London *Times*, which first appeared on the 1st of January, 1788.² All manner of attempts were made to place bounds to the press, beyond which it should not pass. First, the tax on newspapers was a penny. In 1765 it was three halfpence; in 1789 twopence; in 1795 twopence halfpenny; in 1802 threepence halfpenny, and in 1815 fourpence. Imagine at this day a tax of eight cents on every copy of a newspaper! Besides which, so late as 1831, there was a duty on paper of threepence per pound weight and a duty on advertisements. In 1836 the stamp duty was reduced to a penny, and the year 1860 witnessed the total abolition of the taxes upon knowledge. In 1836 the number of newspapers rose from 397 to 458. In 1831 the circulation of newspapers was 38,648,314. In 1854, the last year of the Stamp Act, it was 120,000,000. Since then there are no statistics, but there is an estimate for the United Kingdom in 1864 of 546,059,400, and in 1870 of 700,000,000, while the subsequent increase must of course have been very great. The freedom of the press may bring with it abuses, but only the most determined reactionist can deny the enormous preponderance of advantage.

With the freedom of the press came the practice of parliamentary reporting. In 1728 no report. In 1771 and

¹ "Popular Progress in England," by James Routledge, p. 202.

² *Ibid.*, p. 504.

1772, after a struggle with the publishers, the right of reporting was established, but only after 1832 began the system which, not only in the London but the provincial newspapers, places the doings of Parliament before every household in the land.

Of all the instances of changes of legislation from the benefit of the few to that of the many, there is perhaps none equal to that of the corn laws. After the peace of 1815, and the cessation of the war demand for grain, the prices fell so as to cause great disaster to the landed interest and, avowedly for the protection of that interest, heavy duties were placed upon foreign grain. Allusion here can only be made to the memorable struggle by which all taxes were removed from the food of the people, and Great Britain has, through good and evil report, and in spite of provocation from other countries, steadfastly adhered to that freedom of trade, which, whatever else may be said of it, is distinctly in the interest of the poor.

Of the many events which make up the glory of popular government in Great Britain can here be cited only a few. In 1861-62 civil war broke out in the United States. The sympathy of the upper classes in Great Britain, almost to a man, including even those of such mental qualities as Mr. Gladstone, was on the side of the South. If Great Britain had been governed as she was fifty years before, she would beyond question have interfered on that side, with such disastrous results as the imagination can hardly compass. Fortunately it was not so. It was the workmen of Lancashire, suffering as they were from the privation of cotton, and under the leadership of men like John Bright ; it was the popular press, speaking with the voice of the multitude, which notified the government to forbear, and thus with the treaty which awarded the indemnity for the Alabama claims, established precedents of unspeakable value for mankind.

In 1870 was effected that reform of the civil service, the results of which have excited such unqualified admiration from foreign observers.¹

Up to 1868 the House of Commons decided disputed cases of elections by its own vote, and of course in most, if not all, cases from the point of view of party. In that year, by an act of sacrifice perhaps without parallel in a public body and which shows the power of responsibility to public opinion, the House surrendered its right of decision, to be thenceforth exercised by the courts, and this, with the Ballot Act of 1872 and the Corrupt Practices Act of 1882, has gone far to bring about a purity and decency in the elections, to appreciate which one should read the history of what elections were fifty years ago. In 1869 was righted a great wrong of nearly three centuries' standing in the disestablishment of the Irish Church, and that not by violent and revolutionary methods but with due regard to the vested interests of clergymen actually in possession. Opinions may differ as to Home Rule in Ireland, but that which remains beyond praise is the patience and forbearance with which the English press and people have witnessed the absorption of the time of Parliament in seemingly endless discussion and experiment, combined with obstruction by the Irish members. The discussion of finance will come later.

The last example to be here considered is the government of India. That there are grave abuses in the despotic government of three hundred millions of subject and alien races, thousands of miles distant, is a matter of course, but taking the period from the transfer after 1857 to the direct government of the crown, the history of the world offers no such example of bringing the conscience of a nation to bear upon executive administration at such a distance from home.

¹ See *post*, Chap. XIX.

Much space has been given to the experience of Great Britain, because it is there that the best results of popular government have been worked out. Why they have been so is one of the most interesting problems in the whole range of political science.

Certainly one cannot point to the same definite and steady progress in France, yet if we compare the present state of things with that of 1789 the total advance is almost as great. There is, perhaps, no period in European history which has excited more horror and disgust than that of France between 1789 and 1800. Yet it may be doubted whether the suffering caused by it was any greater than that resulting from the wars of Louis XIV., and the expulsion of the Protestants under the Revocation of the Edict of Nantes. If we consider that by that process the very flower of the population, moral if not intellectual, was driven out of the country under the most distressing circumstances, to take rank among the most valuable elements in other countries; that through the government by intendants centralized in Paris, which was established from the time of Richelieu during the reign of Louis XIV., all experience and knowledge of self-government and self-dependence were taken out not merely from the masses of the people but from the upper classes as well; that almost all taxation both for Church and State was raised directly from the poor, while the nobility not only enjoyed total exemption in this respect but all privileges of office and emolument, fulfilling at the same time no political duties in return; that the Church, allowing for the undoubted merits of many of its members and orders, did as a whole maintain in the people a condition of ignorance and superstition, — we may fairly assume that the disorders of the Revolution were at least as much attributable to the royal government which preceded it as to the sudden and unrestrained advent of democracy.

We shall have occasion hereafter to trace the growth under adverse circumstances of the principle of popular government in France. At present reference will be made only to one of the results which it has achieved. In the year 1871 something like one-third of the departments was occupied by a foreign army. Paris, besieged, was on the brink of starvation. All regular government was at an end almost as much as in 1789. The practically self-constituted Committee of National Defence, represented by M. Jules Favre, proposed to Count Bismarck to have an assembly elected to settle the terms of peace. The Count pronounced it impossible, and it seemed so, but it was done. An armistice was declared on the 28th of January. On the 8th of February the Assembly met at Bordeaux. Terms of peace were agreed upon, the indemnity paid, the enemy negotiated out of the country, and the Third Republic entered upon a period, peaceful externally and internally, which has lasted for twenty-eight years. Will not the result of this century's work bear comparison with those of the last?

In Spain we need go no farther back than the half-savage and barbarous condition of the people at the time of the conflict which the Duke of Wellington maintained against the French. It would not be difficult to show that this condition was the direct fruit of the misgovernment of three centuries preceding. Following this, from 1814 to 1833, came the reign of Ferdinand VII., which will hardly be cited as an instance of the beneficence of royal rule. Take in contrast with these things the period since 1870, the high-toned if abortive government of Amadeo, the republic under Castelar, the accession of Alphonso XII., the expression of national feeling at his death, the regency of Maria Christina, the progress of parliamentary government, the changes of ministry in response to the vote of the legislature, the discipline of surrendering power with-

out forcible resistance; and then study in connection with these things the changed circumstances of the people. It may be denied that these results are caused by the extension of popular power, but it cannot be that they are at least contemporaneous with it.

As regards Italy, it can hardly be expected that a country, of which till 1860 Naples and Sicily were under Bourbon despotism and Tuscany under the paternal but emasculating rule of the grand dukes; of which Venetia, Lombardy, and the duchies were under Austrian domination till 1866; and of which till 1870 the States of the Church enjoyed the blessings of the temporal dominion of the Pope, should at once have developed a full capacity for self-government. Not in the history of mankind is there a more dramatic series of events than those through which Cavour and Victor Emmanuel led the way to a united Italy. The dark sides of the change are the eager acceptance of the militarism which is crushing Europe; disorder in the finances, with grossly unequal taxation, as a result of this and over-ambition in the line of governmental action; the disasters in Florence, Rome, Naples, and Milan from the invasion of the modern spirit of speculative money-making; and the enormous emigration which seeks relief from misery at home. We shall have to wait awhile before parliamentary government with a wide suffrage shall fully show what it can accomplish, but those who have followed what has already been attained among this very practical people by free discussion under responsible ministers will look with confidence to the future.

Of the German Empire a believer in popular government dares not trust himself to speak beyond saying that, notwithstanding the recent introduction of universal suffrage, it is almost as much under military and imperial despotism as three centuries ago; and that it may be

doubted whether any democracy ever made a graver blunder, or one to be expiated by the sufferings of greater multitudes of human beings, than the forcible separation from France of Alsace and Lorraine.

Let us cross the Atlantic again. It cannot be said that Central and South America have shown a very edifying record in the last half-century. But it may be argued that they have been quite as well off as under the old Spanish rule, which rule, indeed, left the people so ignorant and brutal and barbarous that it seemed impossible that they could recover at all. And yet Mexico has shown distinct signs of progress in the last twenty years, while in Chili, which has been for many years a fair example of a well-governed state, the adventurer who tried to overthrow her institutions perished miserably and the cause of constitutional liberty triumphed.

And what of those great commonwealths which are growing up in the Pacific Ocean — Australia, Tasmania, and New Zealand? or those like the Cape Colony and Natal in the southern seas? They have no standing armies, no aristocracy or royalty by divine right of birth, but with a free press, free public discussion, and public schools, and the equality of all men before the law, are pursuing the arts of peace, including, we may concede, the acquisition of wealth. Is the average of happiness and well-being less there than in the peoples of continental Europe?

There remains last the consideration of our own country. It may be freely admitted that in matters of government, as apart from material wealth and prosperity and the achievements of physical science, we have not made as much progress as some other countries. One reason is that we began at a point so relatively high that a proportionate improvement was not to be expected, especially when it was encumbered during the first half-century with the conflict with slavery and since then with the tide

of promiscuous foreign immigration. One fact, however, stands forth in a rugged strength which is able to bear up any imposed burden of shortcomings. When the Civil War broke out the government was almost as completely paralyzed as that of France in the War of 1870. The executive power had been for some years in the hands of the partisans of the South. Congress was almost as helpless as a street mob. The first battle of Bull Run pointed to a lost cause. The feeling of foreign countries, especially the upper classes, was almost unanimous in favor of the South and against the North. In all our great cities, at all events of the East, opinion was almost equally divided, and it was especially the men of wealth and culture who, through the war, inclined to the idea that the struggle was hopeless and we had better give it up. But there was one voice which, from the firing on Sumter to the final surrender of Richmond, never faltered nor wavered. It was that of the millions of the common people throughout the Northern states, declaring that, whatever it might cost in men or money, the Union must be maintained. It cannot be said that the war developed much strength in poetry. But there is one line which in the intensity of its meaning has seldom been surpassed. It is in response to a call for troops.

We are coming, Father Abraham, three hundred thousand more.

Was it an accident or a special dispensation of Providence that in such a crisis a man like Abraham Lincoln sat in the presidential chair? or that from a nation as little military as any in the world, and whose civilian generals were at first the mockery of nations, there came forth within four years men like Grant and Sherman and Sheridan and Thomas? But the crowning glory was still to come. In the words of a writer already quoted, speaking of modern wars : —

The Americans of the North alone showed that civilized men may some day fight without resorting to the rules of barbarians; and when the war was over the same men did what perhaps no nation ever did before after a mortal struggle: they forebore to take away the life even of the leading rebel.¹

Probably no victorious army in the world ever committed so little outrage upon property and life, and especially in the treatment of women. And when the work was done, when, with not a dollar of indemnity demanded, not an acre of land confiscated, not one life lost by proscription, the vast armies melted into the employments of peace, the hand of friendship was promptly extended by the people, if not by the government. Hardly a generation has passed, and scarcely a trace of bitterness remains. The Southern man at the North, the Northern man at the South, is received with cordiality and listened to with respect, while the vanquished, for the most part, are ready to admit that the result of the conflict was almost as much a gain for them as for the victors. The only rivalry now is in material progress, which, however it may be derided or denounced, is better than the thirst for revenge on one side, and the fear of it on the other, which would keep a million of men permanently under arms. A firm conviction is justified that the spirit which did these things is just as available to-day for the victories of peace as it then was for those of war, that it can be made use of for reforms which would immensely increase the purity and efficiency of government, in the nation, the states, and the cities. Why it is not, and how it may be so made use of, it is the object of this book to examine.

¹ "Popular Progress in England," p. 541.

CHAPTER III

ORGANIZATION IN DEMOCRACY

ONE thing may be said of universal, or adult manhood, suffrage, that whereas the whole world seems to be tending towards it, no step backward has taken place except through armed force. In this country, at all events, it may be predicted with confidence that, while restrictions as to education or length of residence may be required, no considerable pecuniary qualifications for voting will ever be enforced unless as a result of fierce civil wars. In fact, such a thing seems to imply a contradiction in terms. It is charged that the poor and ignorant multitude vote away the property of the rich, or, what is perhaps worse, vote for bad and corrupt men for office. By what process is this multitude to be induced to vote away its power of doing so? It seems to be the part of wisdom, therefore, instead of denouncing a wide suffrage as an evil on general principles, to study it scientifically like any other social or physical problem. Further than this, even if we admit all of evil that can be said of it, if this evil is inevitable it seems better, in place of helpless lamentation, to see whether anything, and what, can be done to mitigate it and obtain whatever of good the institution contains with the minimum of detriment.

Votes of men are worth counting, since men's instincts, where these can be deciphered, are wise and human, and well deserve attending to.¹

¹ Carlyle, "Latter-day Pamphlets," chapter on Parliaments.

In all cases of applied mechanics, the first requisite is to investigate the nature of the force to be employed. Water power requires one kind of machinery, steam power another, and electricity a third. A man would be thought foolish who should set up steam machinery to be worked by the force of water, or electric apparatus expecting to run it with steam. Again, all natural forces require mechanical contrivances of some kind. A small stream in New England often furnishes the working power for considerable mills, while the mighty force of Niagara, as far as any mechanical purpose is concerned, has till recently flowed uselessly to waste.¹ Public opinion is an immense force, and so is steam, but it would be idle to build a fire under a kettle and raise a cloud of steam to dissipate itself in the air. That any useful result may be obtained, a cylinder and a piston rod with appropriate gearing are indispensably necessary. The present contention is, that, so far as popular government has failed, the main cause has been in defective machinery, so that public opinion is brought to bear either not at all or so imperfectly that what is assumed to be the will of the people is in fact only that of a comparatively small number of political managers, more or less dishonest, who avail themselves of the forms of government to carry out their private schemes and purposes, by virtue of a nominal expression of the popular will.

What are the elements of this force which we call public opinion? There is a mass of individuals from a few thousands in the smaller cities up to more than seventy millions of the nation. The extremes are represented by the highest degree of intellectual and moral culture, and the lowest of mental and physical abasement. The numbers of either, however, are comparatively small. Even

¹ Of course, for the purpose of this illustration, æsthetic considerations may be left out of the account.

in East London recent investigations have led to the statement that the criminal and degraded classes form really but a small percentage, the great mass consisting of self-supporting work- and trades-people. The multitude between the extremes is made up of persons who, as Macaulay said, are neither very good nor very bad. They lead for the most part narrow and busy lives, absorbed in procuring support for themselves and their families, and having very little time for thought or sympathy outside of the charmed circle of their personal interests. Perhaps the best, as well as the largest, fraction consists of those who are under the pressure of constant strain to provide for others near and dear to them. Statisticians tell us that less than five per cent of the population are placed beyond the need of daily exertion. It may be doubted whether more than five per cent of these regard their wealth as anything but a means of ministering to their own personal gratification, or see in it any more obligation to public spirit, or patriotism, or self-sacrifice, than the mass below them. Of course the mainspring which moves the whole multitude, with a few rare exceptions, is self-interest as they understand it, and it is perhaps well for the world that it is so, as it would be impossible for men to act together at all unless there was some principle or motive common to all, upon which they can rely with confidence. No doubt this idea of self-interest, often grievously misunderstood, leads men to do wrong and unwise things, but is it too much to assume that, so far as they can understand it, the great majority of men prefer good to evil? Pure depravity is very rare. For example, there are thousands of railway trains rushing about the country at night at from twenty to fifty miles an hour. Nothing could be easier, without the smallest risk of detection, than to place obstructions upon the track, yet such a thing is almost absolutely unknown. The "spoils system" of

office-seeking has been one of our greatest political evils, not yet by any means eradicated, yet it does not imply a want of moral purpose in the people. The proportion of the people who ever expect office, or think of obtaining it, is very small. The political use of offices is extremely offensive in its details, and distinctly contrary to the interest of the great mass of the people. Probably nobody would charge that the mass of the people deliberately and consciously support that system. The trouble is either that they do not understand the nature and effect of the evil, or else that they do not know how, or will not exert themselves sufficiently, to apply the remedy. The problem to be solved, therefore, with regard to this and all other political questions is, first, how they can be presented so that the great multitude, with the minimum of time and attention which they can afford to give, can be made to understand them, and then how such, even limited, exertion as they can be induced to make on behalf of these questions can be so guided as to produce the most immediate, potent, and visible effects.

Now after self-interest there are two motive forces common to almost all humanity. The first is moral enthusiasm. There are very few persons who are not stirred with more or less of emotion on hearing of some act of heroic self-sacrifice or disinterested virtue. A fireman who saves a woman or child at the risk of his own life, a bankrupt who voluntarily surrenders all his property for the benefit of his creditors, or who after years of toil and self-denial calls his old creditors together and pays them principal and interest, a statesman who sacrifices an obvious personal advantage for the sake of a principle, never fails to call forth admiration. What an immense force was the love of and devotion to the Union in our Civil War! Witness also the religious enthusiasms which have so often swept over the world. Political questions, there-

fore, should be presented to the multitude, not from the political or even the economic side, but always, so far as possible, from the moral side ; not from the point of view of expediency, for which those not directly or immediately interested care very little, but from that of right and justice, which appeal more or less powerfully to all.

The second of these forces, which is closely connected with the first, is personal enthusiasm. The greatest achievements of masses of men have always been made under some loved and trusted leader. Witness the names of Christ and Mohammed ; or, on a smaller scale, William Pitt and Sir Robert Peel, Victor Emmanuel and Cavour, Napoleon, Bismarck, and Von Moltke, Washington, Lincoln, and Grant. What forces in the world have been the names of Luther, Calvin, and Ignatius Loyola, Whitfield and Wesley, with the hosts of lesser men who have been the movers of their own age and country ! Personality is, therefore, the most powerful agency for working upon masses of men. If, on the other hand, power is placed in the hands of committees or conventions or bodies of men, even though elected by and supposed to be representative of the people, their action may or may not be good in itself, but it will soon cease to express or respond to the will of the people at large. The reason is, that the people are then asked to judge of the character of measures, both as to the desirableness of the ends proposed and as to the fitness of the measures for obtaining those ends, and are expected to contribute by election one out of a considerable number of units, sufficient to make up a majority of the whole body to secure the passage of those measures. Added to which is the fact that in every election a greater or less number of measures is involved, which may appear of differing importance to different sections of the people, and as to the advantages or disadvantages of which there may be almost as many different opinions as there are

individuals. It is no reproach to the mass of the people to say that they have neither time nor inclination nor capacity for the solution of such problems, and it may safely be asserted that, as regards the last two qualities, the wealthy and cultured classes are but little better off than the multitude who are compelled to daily exertion for existence. Under this system there are wanting also the two great forces which have been mentioned, — the moral and the personal. It is very rare that political or social questions take such a form of positive right and wrong as to excite a powerful common feeling among masses of men and women. That was the case with slavery and to a certain extent with the question of dissolving the Union, but it is so to a very limited extent with questions of finance and administration. Even where this element does enter to a considerable extent, as in the question of limiting the sale of liquor, and in the protection of labor, especially of women and children, against what is known as the sweating system, it by no means follows that the most powerful public sentiment will be followed by effectual remedial measures, and in fact those which seem most obviously suited to the purpose are often found to cause more evil than they remove.

In the case of an individual, however, high character and intellectual ability are much more discernible by, and suited to produce a common agreement in, the multitude. The mass of the people are in almost all cases unable to understand and agree upon measures. They are very quick to recognize integrity and purity of character in men, and to a certain, though perhaps not the same, extent, the qualities of intellect and judgment. They are quite willing to leave to such a man the power of decision as to measures, which, as they are prepared to admit, they do not and will not take the trouble to understand. In this way also can be combined enthusiasm for men with

enthusiasm for measures; the force of those who aim to secure definite political reforms with the force of those who can appreciate only the character of the agent through whom those reforms are to be brought about.

The obvious objection at once presents itself, that so much power in one man is liable to abuse and leads to despotism, of which the world has had so many fearful examples. The first step to be aimed at in popular government, therefore, is to guard against such abuse by providing a representative body to watch over and control the executive, and the whole history of modern representative government turns upon the relation between these two branches, known as the executive and the legislative. Up to a century ago the world had had abundant experience, in all their forms, of the evils of despotism by a single man, and also by a self-constituted aristocracy. What it had yet to learn was that the danger from a popularly elected legislature is just as great, from the unfailing tendency of such a body to displace the executive and assume all power for itself. Modern political history may be said to consist in the struggle to limit the executive power without destroying it. For the destruction of executive power means anarchy, and anarchy, where there is anything like density of population, means a swift and sure return to despotism.

Of the three branches into which government, according to the modern view, is divided, the executive is the only one which is absolutely essential. "Armies," said Macaulay, "have been victorious under bad generals. No army was ever victorious under a debating club." In like manner governments have been fairly well conducted where the executive, legislative, and judicial powers were all represented by one man. No government has ever been permanently able to maintain itself where a numerous legislature has taken upon itself directly the work of ad-

ministration. It is a very simple proposition that a people cannot govern themselves. No matter how great may be their virtue or intelligence or education, it is impossible for millions of units to agree upon complex details of policy or administration. Baffled at every turn, they become discouraged and apathetic and at length seek protection in the strong hand from insult and plunder.

A moment's divergence may be allowed upon the subject of popular education. By one party it is regarded as the basis and the sheet anchor of popular government, while another party sneers at it as a broken reed. Certainly too much cannot be said on behalf of educating the people. In its most moderate form it converts an animal into a thinking being. With it come the first ideas of thrift and denial of present gratification for future advantage, the first conception of public, if not private, duty as apart from personal interest; but that it is of no avail in producing that agreement as to details and that concert of action which are essential to the conduct of government, is shown by the fact that the most highly educated men disagree among themselves, and are discordant in action, just as much as the most ignorant of artisans and laborers.

It is not at first sight so obvious, while it is yet perfectly true, that a legislature is almost as incompetent to govern as a people. Its members have a much more present sense of their private interests, and those of the local constituencies, than of the interests of the whole people. They have a keen jealousy of any attempt at preëminence in any one or any part of their number, where all stand on an equal footing. The temptation, on the other hand, to self-assertion unaccompanied by responsibility is very great, and apart from these things, honest difference of opinion is enough to paralyze action. The intriguer again finds his opportunity; what was at first only helplessness becomes corruption, and the people, disgusted with their

representatives, are only too ready to listen to any adventurer who has a genius for organizing strong administration.

If the people are unable directly to govern themselves, it is equally true that they do not wish to govern. They very much prefer to attend to their private affairs and to have their governing done for them. A legislature, on the other hand, distinctly does wish to govern. To use the words of the late Mr. Bagehot: —

A legislative chamber is greedy and covetous; it acquires as much, it concedes as little as possible. The passions of its members are its rulers; the lawmaking faculty, the most comprehensive of the imperial faculties, is its instrument; it will take the administration, if it can take it.¹

Though the danger is less obvious, encroachment by the legislature upon the executive is just as certain to be attempted as the contrary. If in this battle the executive wins, government is possible, though it may be bad; if the legislature wins, government becomes, in the long run, impossible. Popular government, therefore, if it is to justify its existence in the world, will have not merely to do that at which it has hitherto chiefly aimed, the providing an effective control of the executive power, but the still more difficult task, which has hardly received any attention at all, that of taking security against the ambition of legislatures.

The first settlers in what is now the United States, whether Puritans in New England, Quakers in Pennsylvania, or Huguenots in Georgia, were, for the most part, fleeing from the tyranny of kings and princes. Their first object was to secure themselves against a repetition of it, and they thought to do this by placing power in the hands of a body of representatives chosen from among themselves. They did not and could not foresee the dan-

¹ Bagehot, "English Constitution," No. 1, The Cabinet.

gers involved in this course also, as in fact for the first century and a half these dangers did not make themselves felt ; but in the Constitutional Convention of 1787 Madison sounded the note of warning : —

Experience proves a tendency in our governments to throw all power into the legislative vortex. The Executives of the states are little more than ciphers. The Legislatures are omnipotent. If no effectual check be devised on the encroachments of the latter, a revolution will be inevitable.

It will be our task later on to consider what light another century has thrown upon this comment of Mr. Madison. At present the question is, by what method can public opinion, in its widest significance, be most effectively brought to bear upon the powers of government, and we have reached the conclusion that to this end the public attention should be concentrated upon individuals. It is evident that this can only be effectually done in the executive branch, because, according to the well-known saying, "Deliberation is the work of many : execution is the work of one." The ideal constitution of the executive is a single head, surrounded by a staff of his own selection, appointed and removed at his pleasure, one man being at the head of each department ; all subordinates to be appointed by the heads of departments, subject to their responsibility to the single head of all, every position being held by a single man. Thus, and thus only, can discipline, subordination, and responsibility be maintained. Thus, and thus only, can the people, by the election of the single head, express their approval or disapproval of administration as a whole. Boards, committees, or commissions at every point weaken efficiency and divide responsibility. Either one strong-willed man will direct the whole action, at the same time that he gets but a fraction of the credit or blame, and, as he cannot get the honor which accrues from the first, will be tempted to the gain

which is concealed by the absence of the last : or else each will make concessions to the others, with resulting weakness and uncertainty, for which neither can be blamed, especially by a multitude who cannot weigh considerations, but if they are to see a thing must have it placed before them in the plainest possible light.¹

Equally, if not more, fatal, is the separate election, whether by the people or by their representatives, that is, a legislature, of the different subordinate parts of the executive chain. We shall see how in several experiments of popular government a multiplicity of elections, even in the executive branch, has been held to be necessary for due control on the part of the people. The fact is, as experience has clearly shown, that it is just the reverse. A subordinate separately elected is independent of his superior, may defy his orders, and intrigue against him with impunity. A superior who cannot control his subordinates of course cannot ask for election upon a promise of, or a reference to, good administration, which is beyond his power ; and so election comes to turn upon other considerations, and to bring into power men whose success depends, not upon doing good work, but upon their skill in massing votes, by whatever methods. If the people elect a number of separate, and therefore independent, officials and affairs go wrong, they cannot, with the means at their command, tell where they have made a mistake, or how to apply the remedy, become confused and indifferent, and leave the management of the elections, or rather of the nomination of candidates, to those who wish to make use of the offices, not for the purpose of good administration, but as rewards for party service.

It is often urged that the wisdom of a board of three or

¹ If you want to get a real political opinion out of an Englishman you must ask him a very plain short question, and not a highly complex one. — *London Spectator*, January, 1885.

more men is a safer reliance than that of one man. But while a superior can always avail himself of the opinions of those beneath him, it is better, so far as action is concerned, that it should possess the vigor of a single will, even with the risk of sometimes going wrong, than that it should be stamped with the indecision of multiplied counsel ; and this is especially true if the object is to fix the personal responsibility which most readily attracts the attention and influences the decision of the multitude. It is urged again that it is impossible for one head to select successfully all the individuals of a complex administrative system. But he does not need to do so. He can select the heads of the departments immediately about him and hold them responsible for their subordinates, and they can do the same in their turn. The world is full, and nowhere more so than in the United States, of the most wonderful examples of private administration on just these terms in railways, factories, retail shops, and industrial enterprises of all kinds. Considered as purely executive work there has perhaps never been anything superior to that of the first Napoleon. He failed only when he sent his lieutenants into Spain, where with a hostile population intervening they were removed from his personal control, or when his insane ambition led him to aspire to anything so far beyond human power as the conquest of all Europe.

How the executive power thus constituted can be restrained by the action of a legislature is a much less simple question, as is shown by the fact that no nation has yet worked it out satisfactorily. Probably the best definition that has ever been given of the true function of legislatures is that of critics with the power of the purse, but the line between this and dictators with the same power is so far from being laid down with precision that it may easily be and almost always is overstepped.

If the executive is to conduct and be responsible for administration, it must of necessity be furnished with such agents as are requisite for that purpose, or to put the case still more strongly, as it thinks are necessary, because otherwise it cannot be held responsible. The legislature may, indeed, lay down general lines upon which appointments to office shall be made, but as soon as it undertakes to interfere peremptorily and beyond the point of criticism with individual appointments it encroaches upon executive power, responsibility is divided and weakened, and the control of the people loses its force. The same is true of laws. It is for the executive to submit such laws as it may think fitted for the wants of administration; and for the legislature, after suggesting any modifications, to accept or reject those laws. If the legislature undertakes of its own motion to impose such laws upon the executive as it thinks fit, then it encroaches upon the executive power, and the latter can no longer be held responsible. We shall have occasion later on to test these principles in the light of facts, but we may glance for a moment at one notable feature in existing popular governments, and that is the veto power. In the United States, from the federal government through the states to the cities, a veto power is nearly everywhere given to the executive, and is regarded as a very important part of his attributes. In the formation of the French constitution of 1791 there was a fierce conflict as to whether a veto power, after supposed English precedents, should be given to King Louis XVI. It may look like presumption to question anything which has so far crystallized into tradition, but an analysis will show that it involves an absurdity. What sort of executive government is that which has no power to say what shall be but only what shall not be done? Imagine the captain of a ship with a veto upon sailing directions furnished by the crew or even by the owners; the man-

ager of a railway or factory with a veto upon working rules prepared by the directors; the general of an army with a veto upon tactics or strategy prepared by his staff or even by the king, or emperor, or president, from whom his authority is derived. Anybody who has to conduct an administrative work with success must have the power to say what he wants and why he wants it. It is for the person or body for whom the work is done to approve or reject his plans. It is sometimes remarked that the royal veto in Great Britain has not been exercised for one hundred and fifty years. In fact, the veto is exercised more or less every year, only it has passed from the executive to the legislature, where it properly belongs. The importance of this will appear at a later stage.

That the executive shall be able thus to state and advocate its plans it is necessary that its representatives should be in contact with the legislature, and have at least the same right of speech as the members of that body. That conception of the separation of executive and legislative which excludes this, on the one hand throws the real executive power into the hands of the legislature, and on the other, while depriving the executive of all honest and legitimate power, shields it from publicity and encourages intrigue. The men who fill such a place will be likely to correspond to it in character, and the effect upon the legislature will be just as bad. Whether the men who fill the high executive offices in popular governments shall be elected by the legislature or the people is another important question, to which we shall have to seek the answer in the lessons of experience.

Of the importance and effect of organization in government there can be no better illustration than the history of the period from the Declaration of Independence of Great Britain to the final establishment of the Constitution of the United States. There is probably no in-

stance in history of a more purely conscious piece of organization than that instrument of which Mr. Gladstone said that, "it is the most wonderful work ever struck off at a given time by the brain and purpose of man." Of course no new principles were involved. There are no new principles. It is in the application of already existing principles that organization consists. The extracts following are from the admirable work of Mr. John Fiske, "The Critical Period of American History." It is well known that the greatest difficulty in our War of Independence consisted in the weakness of the Continental Congress.

The length of the war and its worst hardships had been chiefly due to the want of organization. Congress had steadily declined in power and in respectability: it was much weaker at the end of the war than it was at the beginning; and there was reason to fear that as soon as the common pressure was removed the need for concerted action would quite cease to be felt and the scarcely formed Union would break in pieces (p. 56). The most fundamental of all the attributes of sovereignty, the power of taxation, was not given to Congress. It could neither raise taxes through an excise nor through custom-house duties; it could only make requisitions upon the thirteen members of the confederacy in proportion to the assessed value of their real estate, and it was not provided with any means of enforcing these requisitions. On this point the articles contained nothing beyond the vague promises of the states to obey (p. 98). It was the same with the soldiers. Congress could call for troops or money in strict conformity with the articles; but should any state prove delinquent in furnishing its quota, there were no constitutional means of compelling it to obey the call (p. 99). There is no reason for supposing that the people were less at heart in 1781 in fighting for the priceless treasure of self-government than they were in 1864, when they fought for the maintenance of the pacific principles underlying our Federal Union. The differences in the organization of the government, and in its power of operating directly upon the people, are quite enough to explain the difference between the languid conduct of the earlier war and the energetic conduct of the latter (p. 103).

It is the effects after peace was made, however, which are most instructive. A revolt upon the part of the

army was averted only by the personal influence of Washington.

What might have happened was forcibly suggested by a miserable occurrence in June (1783) about two months after the disbanding of the army had begun. Some eighty soldiers of the Pennsylvania line, mutinous from discomfort and want of pay, broke from their camp at Lancaster and marched down to Philadelphia, led by a sergeant or two. They drew up in line before the State House, where Congress was assembled, and after passing the grog began throwing stones and pointing their muskets at the windows. They demanded pay, and threatened, if it were not forthcoming, to seize the members of Congress and hold them as hostages or else to break into the bank where the federal deposits were kept. The executive council of Pennsylvania sat in the same building, and so the federal government appealed to the state government for protection. The appeal was fruitless. President Dickinson had a few state militia at his disposal, but did not dare to summon them for fear they should side with the rioters. The city government was equally listless and the townsmen went their ways as if it was none of their business; and so Congress fled across the river and on to Princeton, where the college afforded it shelter. Thus in a city of thirty-two thousand inhabitants, the largest city in the country, the government of the United States, the body which had just completed a treaty browbeating England and France, was ignominiously turned out of doors by a handful of drunken mutineers (p. 112).

An ominous resemblance to the events of the French Revolution less than ten years after!

Congress was bound by the treaty with Great Britain to recommend to the several states to desist from the persecution of Tories, and to give them an opportunity of recovering their estates; and it had been further agreed that all private debts should be discharged at their full value in sterling money. It now turned out that Congress was powerless to carry out the provisions of the treaty upon either of these points. The recommendations concerning the Tories were greeted with a storm of popular indignation. Since the beginning of the war these unfortunate persons had been treated with severity, both by the legislatures and by the people. Many had been banished; others had fled the country, and against these refugees various harsh laws had been enacted. Their estates had been confiscated and their return prohibited under penalty of imprisonment or death. . . . In none of the states did the loyalists receive severer treatment than in New York. . . . In September, 1783, two months

before the evacuation, twelve thousand men, women, and children embarked for the Bahamas or for Nova Scotia, rather than stay and face the troubles that were coming. . . . In some states, the Tories were subjected to mob violence. Instances of tarring and feathering were not uncommon. In South Carolina notices were posted ordering prominent loyalists to leave the country; the newspapers teemed with savage warnings; and finally, of those who tarried beyond a certain time, many were shot or hanged to trees. . . . The emigration which took place between 1783 and 1785 was very large. It has been estimated that one hundred thousand persons, or nearly three per cent of the total population, quitted the country (pp. 120-129).

Again one is forcibly reminded of the opening scenes of the French Revolution.

In regard to the loyalists, indeed, the treaty had recognized that Congress possessed but an advisory power, but in the other provision concerning the payment of private debts, the faith of the United States was distinctly pledged. On this point also Congress was powerless to enforce the treaty. Massachusetts, New York, Pennsylvania, Maryland, Virginia, and South Carolina had all enacted laws obstructing the collection of British debts; and in flat defiance of the treaty these statutes remained in force till after the downfall of the Confederation. In retaliation for this Great Britain refused to withdraw her garrisons from the western fortresses, which the treaty had surrendered to the United States. The American refusal to pay British creditors furnished an excellent excuse, while the weakness of Congress made any kind of reprisal impossible; and it was not until Washington's second term as President, after our national credit had been restored and the strength of our new government made manifest, that England surrendered this chain of strongholds, commanding the woods and waters of our northwestern frontier (pp. 131-133).

One of the greatest dangers was with regard to the regulation of commerce between the states.

Meanwhile the different states with their different tariff and tonnage acts began to make commercial war upon one another. No sooner had the other three New England states virtually closed their ports to British shipping than Connecticut threw hers wide open, an act which she followed up by laying duties upon imports from Massachusetts. Pennsylvania discriminated against Delaware, and New Jersey, pillaged at once by both her greater neighbors, was compared to a cask tapped at both ends. The conduct of New York became especially selfish and blameworthy. Under the guidance of Governor Clinton

the history of that state during the five years following the peace of 1783, was a shameful story of greedy monopoly and sectional hate. Of all the thirteen states, none behaved worse except Rhode Island.

A single instance which occurred early in 1787 may serve as an illustration.

The city of New York with its population of thirty thousand souls had long been supplied with firewood from Connecticut, and with butter and cheese, chickens and garden vegetables, from the thrifty farms of New Jersey. This trade, it was observed, carried thousands of dollars out of the city and into the pockets of detested Yankees and despised Jerseymen. It was ruinous to domestic industry, said the men of New York. Acts were accordingly passed, obliging every Yankee sloop which came down through Hell Gate and every Jersey market boat which was rowed across from Paulus Hook to Cortlandt Street to pay entrance fees and obtain clearances at the custom house, just as was done by ships from London or Hamburg; and not a cartload of Connecticut firewood could be delivered at the back door of a country house in Beeckman Street until it should have paid a heavy duty. Great and just was the wrath of the farmers and lumbermen. The New Jersey legislature made up its mind to retaliate. The city of New York had lately bought a small patch of ground on Sandy Hook (in New Jersey), and had built a lighthouse there. This lighthouse was the one weak spot in the heel of Achilles where a hostile arrow could strike, and New Jersey gave vent to her indignation by laying a tax of \$1800 a year on it (pp. 144-147).

Not less dangerous was the question of state boundaries. Pennsylvania and Connecticut nearly came to open war about the valley of Wyoming, and New York and New Hampshire over the territory of the present Vermont.

Such incidents seem, perhaps, trivial when contrasted with the lurid tales of border warfare in older times between half-civilized peoples of mediæval Europe, as we read them in the pages of Froissart and Walter Scott. But their historic lesson is not the less clear. Though they lift the curtain but a little way, they show us a glimpse of the untold dangers and horrors from which the adoption of our Federal Constitution has so thoroughly freed us, that we can only with some effort realize how narrowly we have escaped them (p. 153).

Added to these things were all sorts of foreign complications and financial evils, which may be summed up in one sentence:—

By 1786 under the universal depression and want of confidence, all trade had well-nigh stopped and political quackery, with its cheap and dirty remedies, had full possession of the field (p. 168).

It will be observed that relief came neither from the people nor from Congress, but from the impulse of the man who had made himself foremost from the beginning of the war. All that the people did, and it was enough, was to respond to the appeal. Early in 1785 a joint commission from Maryland and Virginia met for consultation at Washington's house at Mount Vernon, and then as Washington's scheme involved the connection of the head waters of the Potomac with those of the Ohio, it was found necessary to invite Pennsylvania to become a party to the compact.

Then Washington took the occasion to suggest that Maryland and Virginia, while they were about it, should agree upon a uniform system of duties and other commercial regulations, and upon a uniform currency: and these suggestions were sent, together with the compact, to the legislatures of the two states. Great things were destined to come from these modest beginnings. Just as in the Yorktown campaign, there had come into existence a multifarious assemblage of events, apparently unconnected with one another, and all that was needed was the impulse given by Washington's far-sighted genius to set them all at work, surging, swelling, and hurrying straight forward to a decisive result (pp. 213, 214).

As the next step, largely in consequence of the work of Madison in the Virginia legislature, commissioners from all the states were invited to meet at Annapolis on the first Monday of September, 1786, to discuss some uniform system of legislation on the subject of trade. Only five states being represented the commissioners did not think it worth while to go on with their work. But before adjourning they adopted an address written by Alexander Hamilton, and sent it to all the states, urging that commissioners be appointed to meet in convention at Philadelphia on the second Monday of the following May:—

To devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union, and to report to Congress such an act, as, when agreed to by them, and confirmed by the legislatures of every state, would effectually provide for the same.

On the 25th of May, 1787, the Federal Convention met at Philadelphia and adjourned on the 17th of September following, having, in the intervening four months of deliberation with closed doors, worked out upon paper that Constitution which has made the United States what they are to-day. This is not the place to discuss in detail the nature of their work. The future history of this country will determine whether it will be covered with immortal glory, growing brighter as the centuries elapse, or whether, the Union being displaced by a military empire, or destroyed and local despotisms established as the result of bloody civil wars, it will be banished to the storehouse of political relics, as good enough for a country of limited population and almost boundless territorial and other resources, but, like so many other expedients, powerless against the conflict of human passions, in the fierce struggle for existence which follows upon density of population.

Two things must, however, be said of it: first, that it solved speedily and with almost magical effect all the difficulties which then threatened our very existence as a nation, and second, the lesson it teaches, that in a popular government, perhaps more than any other, sound organization is the basis and foundation stone of permanent success, and to it we in this country must turn our attention if we wish to escape evils which, if they are less obvious than those of a hundred years ago, are hardly less dangerous to the life of the republic.

CHAPTER IV

POPULAR GOVERNMENT IN GREAT BRITAIN

THE inquirer into the history of popular government, at least in modern times, will naturally first turn his attention to Great Britain. Not that popular government first existed there, for it was not till half a century after the French Revolution had proclaimed the doctrine of political equality, not till the time of the first reformed Parliament in 1832, that Great Britain began even to recognize the fact that the masses of the people had any right to a share in the government. But in that country was first wrought out the application of the principles of modern representative government and the relation of executive and legislature as they exist there to-day.

After the long period of barbarism and anarchy which followed the fall of the Roman Empire before the invading tribes, the first relief was obtained through the feudal system. Great lords surrounded themselves with bodies of retainers, who received from them land and protection in return for military service. Order was thus secured within a limited jurisdiction, but the great lords fortified themselves in their castles and made war upon each other, while they plundered the commercial and producing classes, the latter defending themselves as best they could through the foundation and growth of cities. Although this system formed a great advance upon what preceded it, its evils were still so crushing that the lesser powers joined with the strongest of the great nobles to put down his rivals and establish a dynastic rule by individuals.

Within the space of two centuries this was brought about in England by the Tudors, in France by Louis XI., followed by Richelieu, in Spain by Ferdinand and Isabella, and in Russia by the Ivans. In Germany the process failed of accomplishment, and that country paid a terrible penalty for this failure in the Thirty Years' War. Even that effected but little amendment, and the chaos of small powers continued till it was broken up by Napoleon, while the process of consolidation has approached anything like reality only in our own time. Italy suffered as badly from the same cause down to the revolution which is associated with the names of Victor Emmanuel and Cavour.

The Thirty Years' War in Germany had its equivalent in England in the wars of the Roses. The desolation and the destruction of the nobles came to an end with the accession of Henry VII., while despotism reached its highest point under Henry VIII. Both the sex and the character of Elizabeth caused some yielding in this respect, and the elements of parliamentary resistance were gathering strength, which the qualities of the Stuarts were peculiarly suited to develope. Both James I. and Charles I. were firm believers in divine right and prerogative, while the former was a weak but obstinate pedant, and the latter so treacherous that it was soon evident that no faith could be kept with him. After Charles had governed for eleven years without a Parliament, himself exercising all the powers of the State, he found himself obliged to summon the body known as the Long Parliament, which was to sit for thirteen years and to conduct that struggle with the royal prerogative which was to culminate in the execution of the king.

The Long Parliament was not a revolutionary assembly. It comprised men of the best families in England, loyal country gentlemen, eminent lawyers, rich merchants, many faithful courtiers, and a large

body of resolute Puritans of unflinching purpose, but as yet aiming at nothing but effectual securities for liberty.¹

Yet they were to prove themselves almost as tyrannical as the king.

Not contented with their unquestionable right to denounce abuses with a view to the passing of new laws, or the punishment of offences against the law before the legal tribunals, Parliament claimed to punish as delinquents all persons whom they adjudged guilty of offences against the law.² . . . Nor did they encroach upon the law alone: their encroachments upon prerogative commenced very early in the strife. In August, 1640, the two houses passed an ordinance without the assent of the king for disarming all the papists in England, and in November another ordinance for raising forces for the defence of Ireland. And similar ordinances were passed throughout the time of the Long Parliament.³

The revolutionary spirit of the Long Parliament was further shown by the dealing of the Commons with the House of Lords, its own members, and the people. Their own will was the only law which they were prepared to recognize. They early displayed a determination to deny the Lords their lawful rights of legislation. Nor would they allow debates in the other House, of which they disapproved, to pass without censure. They punished the Duke of Richmond for a few words spoken in his place, and impeached twelve of the bishops for a protest against the validity of proceedings of the House of Lords while they were prevented from attending by the mob. In their own House they violently repressed all freedom of debate. Opposition to the majority was treated as a contempt and punished with commitment or expulsion. Privilege had become more formidable than prerogative.

Petitions had now become an important instrument of political agitation. But the Parliament would not tolerate petitions, however moderate and respectful, which opposed their policy, or represented

¹ Sir Thomas Erskine May, "Democracy in Europe," Vol. II., p. 385.

² *Ibid.*, p. 388.

³ *Ibid.*, p. 389.

the opinions of the minority. Often the luckless petitioners were even sent to prison. But petitioners who approved the measures of the majority were received with favor even when attended by mobs, which ought to have been discouraged and repelled. The leaders of the popular party also encouraged the assembling of mobs for supporting their cause and intimidating their opponents. On December 28, 1641, there were disturbances outside both houses of Parliament with cries of "No bishops!"; and an affray arose between some gentlemen and the mob. The Lords desired the Commons to join with them in a declaration against these disorders, which was discussed there. Strong observations were made upon the preferring of petitions by tumultuous assemblies. According to Lord Clarendon, however, some members urged that they must not discourage their friends, this being a time they must make use of all friends, and like practices were continued throughout the troubled period of this Parliament.¹

These quotations are important as showing the inevitable tendency of a legislative body and foreshadowing the course of the French Revolution a century and a half later. From its discussions, both civil and religious, the Parliament rapidly lost its efficiency, and the more violent section gained the upper hand.

A republican spirit was beginning to be apparent, especially among the Independents. They were the first example of a democratic party in England. Liberty had often had its fearless champions, but democracy was unknown. The Independents had gradually separated themselves from the Presbyterians, and as their creed was more subversive of ecclesiastical institutions, so were their political views more violent and implacable. Their political ideal was a republic without king or nobles, in which all citizens should enjoy an absolute equality.

Cromwell, who had already risen to eminence as a soldier, clearly foresaw that the army would soon give law both to king and Parliament, and his character and opportunities alike led him to seek power from the soldiery rather than from Parliament. . . . The ambitious leaders of the Independent party, jealous of the ascendancy of the Presbyterians in Parliament, in the army, and in the chief offices of the state, conceived a cunning scheme for stripping them of their power. Their preachers, having first denounced the self-seeking and

¹ Sir Thomas Erskine May, "Democracy in Europe," Vol. II., pp. 390-392.

covetous disposition of members of Parliament who had taken to themselves the chief commands in the army and the most lucrative civil offices,—to the injury of the state, and against the manifest will of God, who had made their enterprises to fail,—proposed the celebrated “self-denying ordinance.” By this ordinance the members of both houses were called upon to renounce all their military commands and civil offices, and after much debate and with many misgivings the Presbyterian majority, against whose domination it was obviously directed, were persuaded or constrained to submit to this act of suicide.¹ The rule of the Parliament was at an end, and had passed into the hands of the bold and crafty general. The leaders of the Presbyterian party were proscribed and forced to withdraw, and every demand of the army was conceded. When the army withdrew, the Parliament was coerced by the apprentices and populace of London. In times of revolution, when law and order are in abeyance, a Parliament is impotent. Its accustomed supports—respect for the law, the reverence of the people, and the material aid of the executive power—are wanting, and it becomes the sport of military dictation on the one side and popular violence on the other. And such was now the abject condition of the once powerful Long Parliament.² On the 10th of April, 1653, Cromwell broke in upon that body with his soldiers, took away “that bauble,” the mace,—the emblem of its authority,—and dissolved the assembly which was no longer his slave. The members whom he now insulted and trampled upon were of his own Independent party; they had served his purpose for a time and were now put out of his way.³

The government of Cromwell was certainly not worse than those which by a third of a century preceded and followed it, and it had at least the merit of vigor and efficiency, but it showed at his death the weakness of even the best despotism, the impossibility of providing a competent successor. His son Richard proved to be wholly incapable. A remnant of the Long Parliament was twice called together and twice dispersed, the first time by Cromwell’s army, and the second by that of Monk as he marched from the north for the restoration of royalty.

¹ *Ibid.*, pp. 401-403. Compare the events of August 4, 1789, in France (*post*, Chap. VIII.) and the act of May 10, 1791, excluding members of the Constituent from the Legislative Assembly; also the general course of the French Revolution.

² *Ibid.*, p. 407.

³ *Ibid.*, p. 423.

The Long Parliament was at last effectually dissolved, and the history of that body, and of every other Parliament since the commencement of the Civil War, shows that in times of revolution freedom of election and freedom of discussion in a legislative body are unknown. The legislature is subservient to the dominant party in the army or among the populace; and independence is incompatible with the conditions of a revolutionary government.¹

The statement might with truth be made much stronger than this; that even in times of peace and tranquillity government by a legislature drifts steadily towards anarchy, which will of itself produce convulsion, and that it is only a question of time when the people, in a state of disgust, will look on with indifference at the expulsion or subjection of such a body by the strong hand of a master.

Fortunately for England and mankind, Charles and James II., especially the latter, were as little suited as James and Charles I. to become constitutional monarchs, and the nation had acquired habits of resistance. Upon the flight of James, a convention summoned for the purpose declared the throne to be vacant, and provided for the succession by its own act. It is true that Mary might have put forward a show of divine right to succeed her father, but that was not the case with William, and William would be king or nothing. Sending for some political leaders of note, he disclaimed any right or wish to dictate to the convention, but gave them clearly to understand that he would not accept the position of regent, nor yet that of king consort, with only such a share in the administration as his wife might be pleased to allow him. If the Estates offered him the crown for life, he would accept it; if not, he would return to his native country.² The Declaration of Right accordingly contained a resolution that the crown should be settled on William and Mary for their joint and separate

¹ Sir Thomas Erskine May, *op. cit.*, Vol. II., p. 433.

² Macaulay, "History of England," Vol. II., Chap. X.

lives, but with the administration of the government during their joint lives in William alone. Upon the failure of issue in William and Mary, and also in Anne, according to the Act of Settlement passed by the Whigs in 1700, the crown was settled on the descendants of the Princess Sophia of Hanover, a younger daughter of a daughter of James I. There were before her James II., his son, the descendants of a daughter of Charles I., and elder children of her own mother. But the Whigs passed these over because they were Catholics, and selected the Princess Sophia, who, if she was anything, was a Protestant.¹ In both these cases the crown was granted by Parliament as a matter of bargain, and upon conditions. By these transactions, even more than by the execution of Charles I., the mystic obligation to the occupant of the throne was done away.

The doctrines of the divine and hereditary right of absolute royal power, of the passive obedience of the subject, were negatived once and forever by the Revolution.²

However it may please Englishmen to say that Queen Victoria rules by "God's grace," she does so in fact in virtue of an Act of Parliament, 6th Anne, c. 7.³

In outer seeming the Revolution of 1688 had only transferred the sovereignty over England from James to William and Mary. In actual fact it had given a peaceful and decisive impulse to the great constitutional progress which was transferring the sovereignty from the king to the House of Commons. From the moment when its sole right to tax the nation was established by the Bill of Rights and when its own resolve settled the practice of granting none but annual supplies to the Crown, the House of Commons became the supreme power in the state.⁴

The question for the future to settle was how, under what conditions, and with what effect the House of Com-

¹ W. Bagehot, *op. cit.*, The Monarchy.

² Taswell-Langmead, "English Constitutional History," p. 663.

³ Bagehot, *ibid.*

⁴ Green, "History of the English People," Book VIII., Chap. III.

mons would exercise this power. The outlook at first was not promising.

But the king of England could do nothing without the House of Commons. And the House of Commons, though it had hitherto supported him zealously and liberally, was not a body on which he could rely. It had, indeed, got into a state which perplexed and alarmed all the most sagacious politicians of that age. There was something appalling in the union of such boundless power and such boundless caprice. The fate of the whole civilized world depended upon the votes of the representatives of the English people, and there was no public man who could venture to say, with confidence, what the representatives might be induced to vote within twenty-four hours.

The truth was that the change which the Revolution had made in the situation of the House of Commons had made another change necessary, and that other change had not yet taken place. There was parliamentary government, but there was no Ministry; and without a Ministry the working of a parliamentary government such as ours must always be unsteady and unsafe. It is essential to our liberties that the House of Commons should exercise a control over all departments of the executive administration. And yet it is evident that a crowd of five or six hundred people, even if they were intellectually much above the average of the members of the best Parliament, even if every one of them were a Burleigh or a Sully, would be unfit for executive functions. It has been truly said that every large collection of human beings, however well educated, has a tendency to become a mob, and a country of which the Supreme Executive Council is a mob is surely in a perilous position.¹

We shall find abundant evidence of the truth of these remarks as applied to other countries, where, while there is a nominal executive, it has been reduced to impotence and all the powers of government absorbed by the legislature. As the solution of the difficulty, so far as it has been solved, came through the establishment of cabinet government; and as this institution, by the consent of almost all English political writers, is regarded as the central motive force in all the history of Great Britain since the Revolution, it is interesting to trace its history.

The Privy Council was a development of the *consilium*

¹ Macaulay, *op. cit.*, Chap. XX.

ordinarium, a body of men existing from the earlier time and selected by the king as his advisers. It varied from time to time both in numbers and as to the character of its duties, sometimes acting in support of the king against Parliament, and sometimes of the Parliament against the Crown. Down to the Revolution —

the Privy Council continued to be the constitutional body of advisers of the king, whom he was bound by the laws and customs of the realm to consult. But Charles II. hated the delays and restraints imposed upon his designs by long debates in the Council, and, having greatly augmented its members, was able to allege with truth that the great number of the Council made it unfit for the secrecy and despatch which are necessary in great affairs. Availing himself of one of the peculiar characteristics of the Council, its action through committees, Charles formed a small select committee or Cabinet Council with whom he concerted all measures of importance before submitting them for formal ratification to the whole body of Privy Councillors.

In 1679 an attempt was made by the advice of Sir William Temple to restore the Privy Council, consisting of thirty members, great nobles and wealthy landowners, to its former position. By the advice of this Council of Thirty Charles II. pledged himself to be guided in all affairs of state, but the pledge was quickly broken and an interior or Cabinet Council was again formed.

The Privy Council still remains the only legally recognized body, but the Cabinet, though altogether unknown to the law, and for a long time regarded as unconstitutional and dangerous, has gradually drawn to itself the chief executive power and become by universal consent and usage the essential feature of our parliamentary system of government. Since the Revolution it has become a ministry nominally appointed by the sovereign, but in reality an executive committee of the two Houses of Parliament practically chosen by the majority of the House of Commons.¹

The change began at once under William, but nearly a century and a half was to elapse before the ministry was formed into that instrument of the public will which it has since become. In the discussion of the practice which prevails in this country of excluding the cabinet officers from the debates and proceedings of Congress, it is often

¹ Taswell-Langmead. *op. cit.*, pp. 671 *et seq.*

assumed that the framers of our Federal Constitution deliberately rejected the contrary practice of Great Britain. On this point Hon. James Bryce remarks : —

These observations may suffice to show why the Fathers of the Constitution did not adopt the English parliamentary or cabinet system. They could not adopt it because they did not know of its existence. They did not know of it because it was still immature, because Englishmen themselves had not understood it, because the recognized authorities did not mention it. There is not a word in Blackstone, much less in Montesquieu, as to the duty of ministers to resign at the bidding of the House of Commons, nor anything to indicate that the whole life of the House of Commons was destined to centre in the leadership of ministers. Whether the Fathers would have imitated the cabinet system, had it been proposed to them, may be doubted. But as the idea never presented itself, we cannot say that it was rejected, nor cite the course they took as an expression of their judgment against the system under which England and her colonies have so far prospered.¹

Mr. W. Bagehot also expresses the same idea.

Living across the Atlantic and misled by accepted doctrines, the acute framers of the Federal Constitution, even after the keenest attention, did not perceive the prime minister to be the principal executive of the British Constitution, and the sovereign a cog in the mechanism. There is, indeed, much excuse for the American legislators in the history of that time. They took the idea of our constitution from the time when they encountered it. But in the so-called government of Lord North George III. was the government. Lord North was not only his appointee but his agent. The minister carried on a war which he disapproved and hated because it was a war which his sovereign approved and liked. Inevitably, therefore, the American Convention believed the king, from whom they had suffered, to be the real executive, and not the minister from whom they had not suffered.²

The next inquiry which presents itself is why this institution, which some of the writers quoted above assert to have begun to take form immediately after the Revolution, is stated by others not to have existed so late as our

¹ Bryce, "American Commonwealth," Part I., Chap. XXV., p. 279.

² Bagehot, *op. cit.*, The Monarchy.

War of Independence, and in what consists the difference of its action during the last century and the present. From the first the principle made itself felt that the ministry was to be responsible to Parliament, but the greater principle had not yet appeared that Parliament was to be responsible to the country. It has already been observed that while the upper House was made up of great nobles, landowners, and ecclesiastical dignitaries, the House of Commons was also under their control by means of nomination boroughs, and thus the influence of the Crown was still predominant.

The powers of the Crown, indeed, were now exercised by ministers responsible to Parliament, and the House of Commons was no longer held in awe by royal prerogative. Yet so great were the attributes of royalty and so numerous its sources of influence that for more than a century after the Revolution it prevailed over the more popular elements of the Constitution. The Crown now governed with more difficulty and was forced to use all its resources for the maintenance of its authority, but it governed as completely as ever.

Vast and various were the sources of this influence. The Crown bestowed everything which its subjects desired to obtain, — honors, dignities, places, and preferments. Such a power reached all classes and swayed constituents as well as Parliament.¹

To William III. fell the task of first working out the difficult problem of a constitutional government, and amongst his expedients for controlling his parliaments was that of a multiplication of offices.²

After various attempts to check the evil, it was put into the Act of Settlement : —

That no person who has an office or place of profit under the king or receives a pension from the Crown shall be capable of serving as a member of the House of Commons.³

But this was not only fatal to the existence of a ministry taken from the House of Commons, but destroyed the principal means by which the king's government was carried on, and it was repealed by 4th Anne, c. 8. s. 25.

¹ T. Erskine May, "Constitutional History of England," Vol. I., Chap. I., pp. 1-2.

² *Ibid.*, p. 307.

³ *Ibid.*

Civil Service Reform had still to wait for another hundred and fifty years.

One of the most effective agents for the management and control of parliaments has always been and still is the division of parties. But the discovery of this did not come at once. William at first selected his ministers from both parties, and only later, on the advice of Sunderland, wholly from one.

But everybody could perceive that at the close of 1693 the chief offices in the government were distributed not unequally between the two great parties, that the men who held the offices were perpetually caballing against each other, haranguing each other, moving votes of censure on each other, exhibiting articles of impeachment against each other, and that the temper of the House of Commons was wild, ungovernable, and uncertain. Everybody could perceive that at the close of 1696 all the principal servants of the Crown were Whigs closely bound together by public and private ties and prompt to defend one another against every attack, and that the majority of the House of Commons was arrayed in good order under those leaders, and had learned to move like one man at the word of command.¹

William, however, was almost wholly absorbed in foreign affairs and did not adhere very closely to the rule, while under Anne the intrigues of the Duchess of Marlborough and Mrs. Masham again brought personal questions into the chief place.

It was under the first two kings of the house of Hanover that parliamentary government by means of a ministry, nominally the king's friends but really an executive committee representing the will of the party majority for the time being in the House of Commons, was fully and finally established.²

It is not unfair, however, to say, according to nearly all historians, that, from the time of the Revolution down into this century, the principal force relied on for managing parliaments was bribery in one form or another,

¹ Macaulay, *op. cit.*, Chap. XX.

² Taswell-Langmead, *op. cit.*, p. 677.

whether through places and pensions, shares in lucrative commercial enterprises, the sale of nomination boroughs, or direct payments of money. The names of Harley, Earl of Oxford, in Anne's reign, of Sir Robert Walpole from her death till 1742, and then of the Duke of Newcastle to the reign of George III., are synonymous with political corruption. But they at least had only to manage their own party majority. The first two Georges were too much interested in their dominion of Hanover to care very greatly about the domestic affairs of Great Britain. George III., on the other hand, came to the throne determined himself to govern, and the "king's friends" were the party in which he took most interest. Bribery in some form, therefore, flourished throughout his reign. The Act of Union with Ireland was notoriously carried by bribery as shameless as was ever practised in the kingdom.

In 1809 Mr. Curwen brought in an act to prevent the obtaining of seats in Parliament by corrupt practices, which after much discussion was passed. But until 1832 an extensive sale of similar boroughs continued to be negotiated by the secretary to the treasury, by the "whippers in" of the Opposition, and by proprietors and close corporations. So long as any boroughs remained which could be bought and sold, the market was well supplied both with buyers and sellers.¹

We have next to consider how it was that the country escaped from this state of things.

The House of Commons in the worst times still professed its responsibility to the people. The restraint upon Parliament and the governing classes lay in the division of party and in the press. The party in opposition was forced to rely upon popular principles. Party again supplied the place of an intelligent public opinion. As yet the great body of the people had neither knowledge nor influence. Had all parties combined against popular rights, nothing short of another revolution could have overthrown them. But as they were divided and opposed, the people obtained extended liberties before they were

¹ T. Erskine May, *op. cit.*, Vol. I., Chap. VI., p. 287.

in a position to wrest them from their rulers by means of a free representation.¹

Meanwhile the press was gradually creating a more elevated public opinion to which all parties were obliged to defer. It was long, however, before that great political agent performed its office worthily. The turning-point in the history of Parliament seems to have been the establishment of the publicity of its proceedings.

In 1641 the Long Parliament permitted the publication of its proceedings, which appeared under the title of "Diurnal Occurrences in Parliament." The printing of speeches, however, without leave of the House was for the first time prohibited. In particular cases, indeed, when a speech was acceptable to the Parliament it was ordered to be printed; but if any speech was published obnoxious to the dominant party, the vengeance of the House was speedily provoked.

The prohibition to print debates was continued after the Restoration, but in order to prevent inaccurate accounts of the business transacted, the House of Commons in 1680 directed its "votes and proceedings" to be published under the direction of the Speaker. Debates were also frequently published notwithstanding the prohibition.

After the Revolution Parliament was more than ever jealous of the publication of its proceedings or of any allusion to its debates. By frequent resolutions and by the punishment of offenders both houses endeavored to restrain "news-letter writers" from intermeddling with their debates or other proceedings, or giving any account or minute of their debates.²

In other words, when the Parliament was engaged in a doubtful struggle with the Crown, it wished to appeal to the sympathy and support of the country. As soon as it felt sure of its position, it aimed to be a law unto itself. It is curious to trace the struggle between privilege and the desire for political news in a free country.

Towards the close of Queen Anne's reign regular but imperfect accounts of all the principal debates were published by Boyer. In

¹ T. Erskine May, *op. cit.*, Vol. I., Chap. VI., pp. 325, 326.

² *Ibid.*, Vol. I., Chap. VII., pp. 414, 415.

1738 the Commons prohibited the publication of debates or proceedings as well during the recess as the sitting of Parliament, and resolved to proceed with the utmost severity against offenders.¹

That is to say, the increasing power of party and of corrupt influence at once increased the predominance of Parliament and its disinclination to have its doings made known.

In the years following, the reporters, being in fear of parliamentary privilege, became cautious and resorted to evasions and disguises. The debates were assigned to the "Senate of Great Lilliput" and the "Political Club," and the speeches were attributed to Mark Antony, Brutus, and other worthies.²

The writers were accordingly not held to accuracy, and the supposed reports were made the vehicle of ridicule and invective of the fiercest kind. This abuse of reporting was urged as a reason why it should be suppressed, but it seems as if only the most perverted motives of self-interest could have avoided the conclusion, that the way to get correct and impartial reports was to publish an authorized version of them. The crisis came in the winter of 1771. The details of the contest between the House of Commons and the printers who undertook to report its proceedings may be read in the pages of May. The House was completely and finally beaten.

Thus ended this painful and embarrassing conflict. Its results were decisive. The publication of debates was still asserted to be a breach of privilege, but the offence was committed with impunity. Another contest with the press, supported by a powerful opposition and popular sympathy, was out of the question, and henceforth the proceedings of both houses were freely reported. Parliament as well as the public has since profited by every facility which has been afforded to reporting.³

The effects were not long in making themselves felt. The history of parliamentary reform will be touched upon

¹ *Ibid.*, p. 415.

² *Ibid.*, p. 416.

³ *Ibid.*, p. 427.

later. It is sufficient here to say that in 1832, with the first parliamentary reform act, the English government was established substantially upon the basis on which it has been carried on for the last sixty years. The governing power is in the hands of an executive ministry, nominally appointed by the sovereign, but practically a committee in accordance with the wishes of the majority of Parliament, or rather of the House of Commons. This ministry has the guidance and control of legislation, and is responsible for that as well as administration. As this responsibility is to Parliament, the ministry must resign upon any serious adverse vote of the parliamentary majority, their defence consisting in a dissolution of Parliament and an appeal to the country. The sovereign is supposed to have no official but only a personal influence. The maxim is that the king can do no wrong. If any wrong is done, it is because his ministers have given him bad advice, and they must be sacrificed, as he cannot be. It is evident that the only way in which the sovereign can get any ministers, or any government carried on, is by subordinating his will to theirs.

It may be well to sum up the results at which we have arrived in this chapter. We have seen that the Long Parliament rose in resistance to the arbitrary power of the Crown; that it was successful in that resistance, but wholly failed as an instrument of government on account of its discordant elements and the want of leadership and discipline, which alone can make it possible for a large body of men to govern; that the consequent anarchy led to its displacement by a military dictator; that his rule failed, where even the best despotism must always fail, in its inability to provide a competent successor; that the recurrence of anarchy upon his death led to the restoration of the Stuarts; that the Parliament again successfully resisted the arbitrary power of the Crown, and by a

formal legislative act annulled the supposed divine right of hereditary succession and vested the royal authority in another person ; that Parliament was again falling into anarchy, but was rescued from it by the crystallizing of power in the hands of an executive ministry ; that the question for the next century and a half was, whether the responsibility of this ministry, which, unless it was to be a mere lawless despotism, must be responsible to somebody, should be to the Crown, to Parliament, or to the nation ; that from an early period, indeed, the principle was settled that the ministry must be responsible to, that is, hold their places at the pleasure of, the parliamentary majority, but for a long time the majority was held in subjection to the will of the Crown, by means of offices and pensions and other forms of bribery ; that while a certain dependence upon public opinion was always maintained by the organized efforts of the party in opposition, the full transfer of power to the will of the nation as a motive force was not accomplished till the time of the first parliamentary reform. It must be observed, however, that even then and now the responsibility of government by the ministry is not directly to the people, but only indirectly through Parliament, a fact carrying important consequences, which we shall have to discuss presently. Our next task will be to examine the working and effects of this system of ministerial government.

CHAPTER V

CABINET GOVERNMENT IN GREAT BRITAIN

ALMOST, if not quite, all of the modern political writers are agreed that the essential feature of the British government consists in the position and functions of the Cabinet. It may be said also that the most important difference, next to the degree of extension of the suffrage, between the British and all other parliamentary or representative governments consists in the modification or absence of this feature. It is necessary at the outset, therefore, to inquire into the exact nature of the institution and the conditions of its working. The British Cabinet is not known to the law at all, but as a matter of usage it consists of certain members of the Privy Council.

Its numbers are indefinite and variable, for it is competent to the statesman who is charged with the formation of a particular ministry, with the consent of the sovereign, to determine the number of ministers who shall have seats in the Cabinet.

The first Cabinet of George I. consisted of eight members; the first of George III. of fourteen members. Of late years it has reached fifteen and sixteen, which seems, in the opinion of most statesmen, to be quite as large as is desirable. There are certain officers of state who under modern usages would form a part of any cabinet; namely, the first lord of the treasury, the chancellor of the exchequer, the principal secretaries of state, now five in number, the first lord of the admiralty and the lord high chancellor, and by custom the lord president of the coun-

cil and the lord privy seal. To these are added other ministerial functionaries, never less than three, and rarely so many as seven or eight, selected more for their personal and political weight, or for the claims of the individual, rather than from the special importance of the office he may hold.¹

Of these persons one is called the Premier, who may be either a peer or a commoner. The distinction is personal and not official. It might be conferred on one who held no departmental position whatever. Usually, however, the prime minister has held the office of first lord of the treasury, either alone or in connection with that of the chancellor of the exchequer. By modern usage it is understood that no one but the premier is the direct choice of the Crown, whilst his colleagues in office are selected by himself, subject, of course, to the approval of the Crown. He is emphatically and especially the king's minister, the one in whom the Crown constitutionally places its confidence, but he stands between his colleagues and the sovereign, and is bound to be loyal to both.²

The office of prime minister, as it is now exercised, is a proof and a result of the necessity, which now exists in our political system, for the concentration of power and responsibility in the hands of one man, in whom the sovereign and the nation can alike confide, and from whom they have a right to expect a definite policy and a vigorous administration.³

Upon the resignation or dismissal of a ministry, in consequence of an adverse vote in Parliament, it is customary for the sovereign to send for some recognized party leader, in one or other house of Parliament, and intrust him with the formation of a new administration. Or should the position of parties be such that no particular person appears to the king to be specially eligible for the post of prime

¹ A. Todd, "Parliamentary History of England," Vol. II., pp. 189 *et seq.*

² Mr. Gladstone, quoted by A. Todd, Vol. II., p. 183.

³ *Ibid.*, p. 174.

minister, he may select any one in whom he can repose sufficient confidence.¹

The task of forming an administration is left almost exclusively with the prime minister, and yet he can scarcely be regarded as unfettered in the choice of his colleagues, inasmuch as he is obliged to select them from amongst the most prominent and able men of his own party who are likely to command the confidence of Parliament, and the selection of individual ministers is sometimes the result of a combination of parties, rather than the act of a prime minister himself. It has been well observed "that the position of most men in Parliament forbids their being invited to the Cabinet, the position of a few men ensures their being invited. Between the compulsory list, whom he must take, and the impossible list, whom he cannot take, a prime minister's independent choice in the formation of a cabinet is not very large; it extends rather to a division of the cabinet offices, than to the choice of cabinet ministers. Parliament and the nation have pretty well settled who shall have the first places, but they have not discriminated with the same accuracy which man shall have which place."²

It is for this reason that the Cabinet is almost always described as a committee of Parliament. We shall have to consider, presently, some effects of this peculiar relation between its members. There are some fifty other officials,³ besides those in the Cabinet, whose positions are necessarily vacated with each change of administration. Apart from these all the government offices are permanent, and for the most part regulated by the Civil Service Act of 1853.

Having traced the origin and the formation of the English Cabinet, we must now consider the mode in which this comparatively modern institution is brought into active coöperation with other parts of the political fabric. It is by means of the introduction of the ministers of the Crown into Parliament, for the purpose of carrying on the government in direct relation with that body, that the re-

¹ Todd, *op. cit.*, Vol. II., p. 183.

² Bagehot, "English Constitution," quoted by A. Todd, Vol. II., p. 191.

³ A list of them is given by Mr. Todd, Vol. II., p. 201.

sponsibility of ministers for every act of government is practically exemplified and enforced.

The whole executive functions of the Crown have been intrusted to ministers, and in order that those functions may be exercised in conformity with the most enlightened opinions of the great council of the nation, it is indispensable that the king's ministers should be selected from amongst that council. Having in their individual capacity as members of one or other of the legislative houses a right to sit therein, they are thus brought face to face with those who are privileged to pronounce authoritatively upon the policy of the government, and whose consent must be accorded to their very continuance in office as ministers of the Crown.¹ Ministers are necessarily the depositaries of all the secrets of State, and have access to the highest sources of information on every political question. They are usually men who from their ability and experience are peculiarly qualified to guide the deliberations of Parliament and to aid their fellow-members in forming sound conclusions upon every public matter that may be brought before them. They distribute the patronage of the Crown at their own discretion, which in itself adds very materially to their authority and influence. These advantages are of inestimable service in enabling them to mature and propound acceptable measures, and in facilitating the progress of the same through the legislative chambers.

On the other hand either house of Parliament is at liberty to give free expression to its opinion upon every ministerial act or measure, and no administration can long remain in office that does not possess the confidence of Parliament and particularly of the House of Commons. In giving or withholding their confidence the houses of Parliament are only restrained by considerations of public policy. Unless they are satisfied that a ministry which does not fully represent their political sentiments can be replaced by another more acceptable and efficient, they will probably be content with vigilant supervision and control over its proceedings and recommendations, rather than to incur the hazard of a change of government. But if they believe that the direction of public affairs ought to be intrusted to other hands they have only to declare either expressly or impliedly that ministers have forfeited their confidence and a change must inevitably take place. So that whether directly or indirectly the ultimate verdict upon every exercise of political power must be sought for in the judgment of the House of Commons.²

¹ We shall have occasion to examine hereafter how far these conditions, which are almost an article of religious faith in Great Britain, are really a necessity of the case. See *post*, Chap. XXX.

² A. Todd, "On Parliamentary Government in England," 2d ed., Vol.

In examining the various points included in the above definition of parliamentary government, the subject will naturally fall under three heads. I. The presence of the ministers of the Crown in Parliament. II. The functions of the ministers of the Crown in relation to Parliament. III. The responsibility of ministers to Parliament, and particularly to the House of Commons.

I. As already stated, while there is no absolute necessity for every member of the Cabinet to hold a departmental office under the Crown, the spirit of the Constitution requires that every one occupying a seat in the Cabinet should also be a member of one or other of the houses of Parliament. And no one should be introduced into the Cabinet or be permitted to continue therein, who is out of Parliament.¹ Another principle established by the 6th Anne, c. 7, ss. 25 and 26, is, that the acceptance by a member of the House of Commons of an office of profit from the Crown shall thereby vacate his seat, but he may nevertheless be reëlected, provided his office be one that is not declared expressly by statute to be incompatible with a seat in the House of Commons.²

Originally introduced as a means of protecting the House of Commons from the undue influence of the Crown, it has ceased to be of any value in this respect, and has frequently operated most injuriously to the public interests by limiting the choice of persons to form part of a ministry to those who were secure of reëlection upon their acceptance of office. There has been a growing conviction in the minds of statesmen ever since the introduction of the first Reform Act of 1832 that this clause required some modification in order to adapt it to the exigencies of our modern political system.³

II., pp. 288 *et seq.* This is true because the House of Commons makes and can unmake the ministry. We shall see hereafter what different consequences may follow from the election of the executive directly by the people and thus independently of the legislature. *Post*, Chaps. XXX., XXXI.

¹ Todd, *op. cit.*, Vol. II., p. 290.

² *Ibid.*, p. 322.

³ *Ibid.*, p. 331.

The same statute of Am.e, ratified and extended by subsequent legislation, provides for the positive exclusion from the House of Commons of all placemen not required therein. Of course this does not apply to members of the Cabinet, and certain other officials mentioned by Mr. Todd are excepted. It is obvious, however, that if the members of the Cabinet were appointed from outside of the legislature, this rule might be rigidly applied as required by the Constitution of the United States.

As the ministry for the time being are strictly and exclusively responsible for the government of the country in all its various branches and details, and as they possess on behalf of the Crown an absolute control over all departments of the state, so that every public officer in the kingdom is directly or indirectly subordinate to them, it is right and in accordance with constitutional practice that there should be some minister of the Crown specially answerable for each particular branch of the public service, and that every department of state should be adequately represented in Parliament.¹

The representation in Parliament of every prominent department of state should not be confined to one chamber merely, but should always, whenever it is practicable, include both houses. This is desirable, firstly, because of the respect due to each separate and independent branch of the legislature; secondly, in order to promote harmony between the executive and legislative bodies: and lastly, because it tends materially to facilitate the despatch of public business through Parliament.²

The proportion of cabinet ministers to be assigned to either house of Parliament varies according to circumstances. The first Cabinet of George III. (in 1760) consisted of fourteen persons, thirteen of whom were peers, and but one a member of the House of Commons. The greatest extreme in the other direction was in Lord Palmerston's second administration in 1859, when of the Cabinet of fifteen persons five were peers and ten sat in the House of Commons.³

II. According to modern constitutional practice, the first duty of ministers in relation to Parliament is to prepare the speech intended to be delivered by, or on behalf of, the sovereign at the commencement and at the close of every session. The royal speech is drafted by the

¹ *Ibid.*, p. 300.

² *Ibid.*, p. 310.

³ *Ibid.*, pp. 311-313.

prime minister, or by some one under his advice and direction ; it is then submitted to the Cabinet collectively, that it may be settled and approved, and it is afterwards laid before the sovereign for consideration and sanction. The opening speech, while carefully avoiding matter for controversy or acrimonious debate, includes a statement of the most material circumstances which have occurred since Parliament separated, and announces in general terms the principal measures which it is the intention of ministers to bring under the consideration of Parliament.¹

In addition to the measures specially commended to Parliament in the speech from the throne, it is the right and duty of ministers of the Crown to submit to its consideration whatever measures they may deem to be necessary for the public service.²

Formerly ministers were solely responsible for the fulfilment of their executive obligations, and for obtaining the sanction of Parliament to such measures as they deemed to be essential for carrying out their public policy. But the growing interest which of late years has been exhibited by the constituent bodies upon all public questions, and the consequent necessity for systematic and enlightened legislation for the improvement of our political and social institutions, and for the amelioration of the laws in accordance with the wants of an advancing civilization, together with the difficulty experienced by private members in carrying bills through Parliament, have led to the imposition of additional burthens upon ministers of the Crown, by requiring them to prepare and submit to Parliament whatever measures of this description may be needed for the public good ; and also to take the lead in advising Parliament to amend or reject all crude, imperfect or otherwise objectionable measures which may at any time be introduced by private members.³

By modern practice, no sooner does a great question become practical or a small question great, than the House demands that it shall be "taken up" by the government. Nor is this from laziness or indifference. It is felt with a wise instinct that only thus can such questions in general acquire the *momentum* necessary to propel them to their goal, with the unity of purpose which alone can uphold their efficacy and preserve their consistency of character.⁴

¹ Todd, *op. cit.*, Vol. II., pp. 355, 359.

² *Ibid.*, p. 366.

³ *Ibid.*, p. 368.

⁴ *Ibid.*, p. 371, quoting authorities.

Sir Robert Peel in 1844 insisted that individual members of Parliament had a perfect right to introduce such measures as they thought fit, without the sanction of the government. But apart from the questions of abstract right and of the relative importance of bills initiated by private members, the great increase of debates and the annual accumulation of arrears of public business of late years have combined to render it practically impossible for bills introduced by private members to become law unless by the active assistance of the government.¹

While it is the especial duty of ministers of the Crown to prepare and submit to Parliament whatever measures may be required for the defence of the empire and the support of the civil government, or to amend or otherwise improve the fundamental or constitutional laws of the realm, and to control by their advice and influence all public legislation which is initiated by private members, a most useful purpose is served by the previous free investigation and debate in Parliament of these and all other questions affecting the public welfare. It is not in fact the primary duty of either house to pass the measures of the executive, but rather to advise the Crown as to the way in which the public service may be most beneficially conducted and to give expression from time to time to enlightened opinions upon the various topics which are attracting public attention. This function cannot be adequately fulfilled except by granting to private members adequate opportunity for introducing to the notice of Parliament projects for effecting desirable reforms in our political and social system, and by facilitating the discussion of such measures until public opinion is sufficiently agreed upon them to render legislation not only safe but expedient, when it will become the duty of ministers of the Crown to assume the responsibility of advising the passing of bills in Parliament to give effect to the same. Nearly all the great reforms which have received the sanction of Parliament during the present century have originated in this manner. It is then optional with the ministry either to render assistance in carrying out the proposed reform, or else to resign and give place to others, through whose efforts such legislation might take place upon the particular question as would conciliate the good-will of the several estates of Parliament.²

Perhaps the most important function of the British ministry is in their relation to the public finances.

The Crown, acting with the advice of its responsible ministers, being the executive power, is charged with the management of all the revenues of the country, and with all payments for the public service.

¹ *Ibid.*, pp. 375, 376.

² *Ibid.*, pp. 379-381.

The Crown, therefore, in the first instance, makes known to the Commons the pecuniary necessities of the government, and the Commons grant such aids or supplies as are required to satisfy these demands, and provide by taxes and by the appropriation of other sources of the public income the ways and means to meet the supplies which are granted by them. Thus the Crown demands money, the Commons grant it, and the Lords assent to the grant. But the Commons do not vote money unless it be required by the Crown, nor impose or augment taxes, unless they be necessary for meeting the supplies, which they have voted or are about to vote, and for supplying general deficiencies in the revenue. The Crown has no concern in the nature or distribution of taxes, but the foundation of all parliamentary taxation is its necessity for the public service as declared by the Crown through its constitutional advisers.¹

As no supply can be voted so no taxes can be imposed upon the subject by Parliament for purposes of public revenue except upon the recommendation of the Crown. No private member is permitted to propose a tax upon the people; it must proceed from a minister of the Crown or be in some other form declared to be necessary for the public service.²

According to ancient constitutional doctrine and practice, no moneys can be voted by Parliament for any purpose whatever except at the demand, and upon the responsibility, of the ministers of the Crown.³

Should any case arise, however, wherein it may appear to be the duty of the House to point out to the government public charges which ought to be incurred, they have still undoubted authority to do so; either by the adoption of a resolution expressing an abstract opinion in favor of a proceeding which will necessitate a future grant of money, or by agreeing to address the Crown to incur certain expenditure with an assurance of their readiness to make good the same, the House is free to approach the Crown with their constitutional advice in this as in any other matter of prerogative.⁴

It is also an invariable rule of constitutional practice that ministers are not required to answer questions involving an explanation of their intentions as to matters of taxation, until they may deem it expedient to the public interests to declare them.⁵

This is again not at all inconsistent with another principle.

¹ Sir T. Erskine May, "Parliamentary Practice," pp. 650, 651, ed. 1883.

² Sir T. E. May's evidence before Joint Committee on Despatch of Business, 1865-1869, quoted by Todd, Vol. I., p. 709.

³ Hearn, "Government of England," pp. 349-351.

⁴ Todd, *op. cit.*, Vol. I., p. 699.

⁵ *Ibid.*, p. 711.

From a very early period in the history of England the principle has been established that the right of taxation and the granting of supplies for the public service belong exclusively to Parliament. And it was finally established by the Act of Settlement "That levying money for or to the use of the crown by pretence or prerogative without grant of Parliament for longer time or in other manner than the same is or shall be granted is illegal."¹

Abstract resolutions advocating changes in the scheme or distribution of taxation, or the reduction of particular branches of taxation, have been not infrequently submitted to the House of Commons by private members, but they have been generally resisted by the government, as inexpedient and impolitic. It is an important financial principle "that the House should not be called on to condemn taxes which they are not prepared on the instant to repeal," as by so doing they unsettle the minds of commercial men in their business transactions and occasion embarrassment to the government in their plans for the regulation of the public finances.²

III. It will be observed that the peculiar responsibility which attaches to ministers of the Crown in matters of legislation is confined for the most part to the initiation and control of public business. As regards private Bills, wherein the rights of private parties are adjudicated upon by Parliament in a semi-judicial manner, an opposite principle prevails; and in all cases where the public interests are not liable to encroachments by applicants for private legislation. Thus it was remarked by Sir Robert Peel when home secretary in 1830. "I must decline interference with any private Bill, and I cannot but think from the experience of every day, that the principle on which ministers abstain from any such interference is most salutary." Again it was stated by the chancellor of the exchequer (Mr. Baring) in 1840, that "it is contrary to all established practice for ministers of the Crown to give an opinion upon a private Bill." And in 1872 a proposal "to place in the hands of a minister, or of the ministers of the Crown, the power of putting a veto on private legislation" was disapproved of by the House and by the government.

But if an attempt should be made to infringe upon the established rules of Parliament by urging the House to permit a private Bill to proceed, notwithstanding the report of the Committee on Standing Orders against it, or if the interests of the public were likely to be injuriously affected by a private Bill, or if an attempt were made to establish an unsound principle by such means, ministers would be justified in using their influence to oppose it, whilst on the other hand, ministers would be justified in promoting the passing of a pri-

¹ Todd, *op. cit.*, Vol. I., pp. 722, 723.

² *Ibid.*, Vol. I., p. 713, quoting Mr. Gladstone.

vate Bill, if it should appear to be desirable for the public interest, because they are responsible for exercising the prerogative of the Crown so as to control all legislation in Parliament, whether upon public or private matters, for the furtherance of the public welfare and for the protection of private rights from unjustifiable aggression.

Under such circumstances it is proper for the public department charged with the duty of watching over the public interests in this particular sphere to suggest or require amendments in any private Bills, which they may deem to be necessary for the protection of the public or for the saving of private rights.¹

Ministers of the Crown are constitutionally responsible, not merely for the preparation and conduct of legislative measures through both houses of Parliament, and for the control of legislation which is undertaken by private members, but also for the oversight and direction of the entire mass of public business which is submitted to Parliament. Nothing should be left to the will and caprice of a fluctuating majority in the legislature, but the efforts of ministers should be continually directed to the furtherance of business so as best to promote the public interest, and insure the convenience of members generally. For ministers are the natural leaders in both houses as well as the proper guardians of the power and privileges of Parliament. Representing therein the authority of the Crown, and exercising therein the influence which appertains to them in that capacity, they should be able to regulate the performance of all parliamentary functions, and the distribution of public business, so as to keep them within reasonable limits, and in a steady course.²

In 1692, before William III. had constructed his first parliamentary administration, a formal complaint was made by ministers to the king that "nobody knew one day what the House of Commons would do the next," and that "it were perhaps too confident a thing for any one to pretend to say that Parliament will or will not do anything whatsoever that may be proposed to them."³

The present highly organized system of parliamentary government has been elaborated by the wisdom and experience of successive generations in order to remedy this evil condition, and to establish harmony and unanimity between the Crown and Parliament. Nowadays, immediately upon the formation of a ministry, it assumes, in addition to the ordinary duties of an executive government, other and more important functions—unknown to the theory of the Constitution—namely, the management, control, and direction of the whole mass of

¹ Todd, *op. cit.*, Vol. II., pp. 388–390, quoting authorities.

² *Ibid.*, p. 394.

³ Dalrymple, "Memoirs of Great Britain," quoted by Todd, Vol. II., p. 394.

political legislation, by whomsoever originated, in conformity with its own ideas of political science and civil economy; and so long as a ministry commands the confidence of the House of Commons it should have sufficient strength to prevent the adoption by Parliament of any measure which it may judge to be inexpedient or unwise.¹

The ministry is also responsible for guiding the deliberations of each house of Parliament, so as to secure and maintain the appropriate privileges of each house in due subordination to established constitutional principles. In such an endeavor the ministry are usually assisted by the coöperation of the leaders of the opposition.

It has been estimated that nine-tenths of the legislation of the House of Commons passes through the hands of the government, and the portion of the business of the country which ministers are expected and required to transact is yearly increasing.²

Successive parliamentary committees have advised the adoption of rules to facilitate the distribution and disposal of business in the hands of ministers of the Crown, and the House of Commons has always evinced the utmost readiness in furthering the same, so far as is compatible with the rights and privileges of private members.³

The leader of the House of Commons is at liberty to arrange the order of business as he thinks fit, it being provided by a standing order of the House that "the right be reserved to her Majesty's ministers of placing government orders at the head of the list in the rotation in which they are to be taken, on the days on which government bills have precedence."⁴ But usually no control is conceded to ministers over orders in the hands of private members, which are governed by the customary rules of Parliament.⁵

The survey of the structure and conditions of cabinet government would not be complete without noticing a feature of the English political system which began to be developed contemporaneously with the establishment of parliamentary government, and which has materially contributed to the vigor and efficiency of the same, namely, the presence in both houses of an organized opposition. The political party, of which the administration for the

¹ Park's "Dogmas," p. 39, quoted by Todd, Vol. II., p. 395.

² Mr. Gladstone, quoted by Todd, *ibid.*, p. 395.

³ Todd, *ibid.*, p. 395.

⁴ May, "Parliamentary Practice," quoted by Todd, *ibid.*, p. 398.

⁵ Todd, *ibid.*, p. 398.

time being is the mouthpiece and representative, is invariably confronted in Parliament by another party, who themselves expect to succeed to power whenever they acquire sufficient strength to overthrow their antagonists and to assume the responsibility of office.

The opposition exercise a wholesome influence upon parliamentary debate and the conduct of business, for they are the constitutional critics of all public affairs; and whatever course the government may pursue they naturally endeavor to find some ground for attack. It is the function of an opposition to state the case against the administration, to say everything which may plausibly be said against every measure, act, or word of every member of the ministry, in short to constitute a standing censorship of the government, subjecting all its acts and measures to a close and jealous scrutiny.¹

But just because the opposition expect to assume the responsibility of office and to be in their turn confronted by another organized opposition, they are under the necessity of preserving the moderation and adherence to strict constitutional lines, which are implied in the term, 'Her Majesty's Opposition,' and they do this under the control of a leader who is selected by the party and is just as much a positive factor as the prime minister.

A leader of opposition is usually chosen from personal considerations, and for the possession of qualities that point him out as the most fitting man to be appointed to the direction of the state, or at all events to the leadership of the house in which he sits. Meanwhile he must be able to command the support of his adherents by sagacity in council and promptitude in action. In the words of Lord Bolingbroke, "the people will follow like hounds the man who will show them game." But a political leader must be prudent as well as energetic.²

¹ See article by Sir G. C. Lewis on Parliamentary Opposition, in *Edinburgh Review*, Vol. 101, p. 14; also Lewis' letters, p. 288, in Todd, Vol. II., p. 415.

² Todd, *ibid.*, p. 418.

It is the practice in both houses of Parliament to permit questions to be addressed to ministers of the Crown, and to other members, upon matters of public concern. This affords an opportunity for removing erroneous impressions and disseminating correct intelligence upon a variety of topics of political importance or of general interest; it is also serviceable as obviating the necessity in many instances of more extended debate and of motions for papers.

Notice is usually given of the intention to ask questions of ministers, either by putting a formal notice on the paper or by a private intimation, and the want of notice has been stated as a sufficient reason for not answering a question, and likewise because the inquiry has not been directed to the proper minister. But upon urgent occasions members may assert the right of putting questions without previous notice. In putting questions no argument or opinion should be offered, nor epithets used, nor any facts stated, except so far as may be necessary to explain the question. And an inquiry has been refused a reply because it invited an expression of opinion upon a debatable question.¹

Answers to questions should be confined to the points of inquiry, with such explanations only as may be necessary to render the answer intelligible. But it has always been usual to accord a greater latitude in this respect to ministers of the Crown. Numerous precedents can be cited wherein ministers of the Crown and other members have declined to give any answer to questions which they considered to be unnecessary, inexpedient, unusual, impertinent, or as involving matter of too much gravity to be dealt with by way of reply to a question. Generally they state reasons for declining to afford the desired information, but sometimes when the question is peculiarly objectionable no notice whatever is taken of it.²

In the preparation of measures to be submitted for the consideration of Parliament, and in the conduct of public inquiries into matters which require the action of the executive government, it is necessary that the ministers of the Crown should be able to avail themselves of competent assistance from every quarter in collecting accurate information upon all public questions. With a view to afford substantial assistance to government in this direction, it has been customary of late years for select committees to be appointed by the houses of Parliament, either at the suggestion or with the concurrence of ministers, to investigate various public questions upon which legislation founded upon evidence is necessary. But a resort to parliamentary committees in such cases is sometimes objectionable, as it may tend to diminish the responsibility which properly belongs to the advisers of the Crown.

¹ *Ibid.*, pp. 421-424.

² *Ibid.*, p. 428.

Preliminary inquiries by a royal commission are of inestimable service to the working of parliamentary government. Besides affording peculiar facilities for ascertaining facts, they frequently bring to light a mass of information upon the subject in hand which could be obtained in no other way, and the report of an able and impartial commission is often of the highest value in the instruction and enlightenment of the public mind. Commissions of inquiry may be properly appointed by the Crown, or by the head of any department of state, to examine into a particular grievance or alleged defect in the administration of a public department, or to collect information on any important public question and advise the Crown upon the same. But it would be unconstitutional to refer to a royal commission "subjects which are connected with the elementary duties of the executive government and with its relations to Parliament; or to appoint a commission with a view to evade the responsibility of ministers in any matter; or to do the work of existing departments of state, who possess all needful facilities for obtaining information upon questions of detail, and who are directly responsible to Parliament. A commission of inquiry should be limited in its operations to obtaining information and suggesting the points to which it might be expedient that legislative or executive action should be directed. No commission should be invited to enter upon any question of policy, "lest it should trench upon the proper limits of ministerial responsibility, and upon ground which belongs to Parliament." ¹

In the House of Lords, as well as in the Commons, there is invariably a minister especially intrusted with the lead and management of public business on behalf of the executive government. If the prime minister be a member of the House of Commons he will personally undertake the leadership of that House. The extreme importance of the duties of this office towards the most popular and powerful branch of the legislature places it under any circumstances in the front rank of the ministry. The strength and efficiency of a government, and the activity and usefulness of the House itself, largely depend upon the character, energy, tact, and judgment of the leader of the House of Commons.

In conjunction with his trusty aids, the financial and parliamentary secretaries of the treasury, it devolves upon him to control the conduct of business in that chamber so as best to promote the public interests.² But as the influence exercised by the ministry depends, in the first instance, upon the degree of unity and of mutual coöperation they exhibit between themselves, and finally upon the amount of

¹ Todd, quoting authorities, Vol. II., pp. 431, 435. We shall see the force of this in its application to commissions or committees in the United States, *post*, Chap. XXII.

² *Ibid.*, pp. 454, 456.

control they are able to exercise over the political party to which they belong, it has become an acknowledged principle that, so long as a minister, whether the premier or another, continues to form part of a government, he shares with his colleagues an equal responsibility for everything that is done or agreed upon by them. Except in the case of an admitted "open question," it must be taken for granted that the whole Cabinet have assented to the ministerial policy as officially transacted, or propounded by any minister acting or speaking on their behalf. It is not, therefore, allowable for a cabinet minister to oppose the measures of government — to shrink from an unqualified responsibility in respect to the same — to refrain from assisting his colleagues in the advocacy of their particular measures in Parliament, or to omit the performance of any administrative act which may be necessary to carry out a decision of the government — even though he may not have been a consenting party thereto — or to withhold his support from the ministry when attacked by their political opponents. A minister who infringes any one of these rules is bound to tender his immediate resignation of office.¹

The true doctrine on this subject was enunciated by the Earl of Derby in the following terms: "The essence of responsible government is that mutual bond of responsibility one for another wherein a government acting by party go together, frame their measures in concert, and where, if one member falls to the ground, the others, almost as a matter of course, fall with him."²

The responsibility of ministers of the Crown to Parliament, as it is now understood, is practically a responsibility to the House of Commons. For, notwithstanding the weight and authority which is properly attached to the opinion of the House of Lords upon affairs of state, the fate of a minister does not depend upon a vote in that House. The Lords may sometimes thwart a ministry, reject or mutilate its measures, and even condemn its policy, but they are powerless to overthrow a ministry supported by the Commons or to uphold a ministry which the Commons have condemned.³ But the verdict of the House of Commons itself derives its strength and efficacy from its being a true reflex of the intelligent will of the whole community. Until a vote of the Commons has been ratified by the constituent body, it will seldom be regarded as conclusively determining upon the existence of a ministry. When, in 1848, Sir Robert Peel was first informed of the overthrow of royalty in France and the proclamation of a republic, he shrewdly remarked: "This comes of trying to carry on a government by means of a mere majority of a chamber, without regard to the opinion out of doors."⁴

¹ *Ibid.*, p. 402, quoting authorities.

² *Ibid.*, p. 472.

³ May, "Constitutional History," Vol. I., p. 467, quoted by Todd, Vol. II., p. 484.

⁴ Cobden, quoted by Todd, *ibid.*, p. 485.

As it is essential that the ministers of the Crown should possess the confidence of the popular chamber, so the loss of that confidence will necessitate their retirement from office.¹ The withdrawal of the confidence of the House of Commons from a ministry may be shown either (1), by a direct vote of want of confidence, or of censure for certain specified acts or omissions, or (2), by the rejection of some legislative measure proposed by ministers, the acceptance of which by Parliament they have declared to be of vital importance, or, on the other hand, by the determination of Parliament to enact a particular law contrary to the advice and consent of the administration.²

Especially stringent is the practice in relation to finance and taxation.

When ministers assume the responsibility of stating that certain expenditure is necessary for the support of the civil government and the maintenance of the public credit at home and abroad, it is evident that none can effectually challenge the proposed expenditure, to any material extent, unless they are prepared to take the responsibility of overthrowing the ministry. "No government could be worthy of its place if it permitted its estimates to be seriously resisted by the opposition, and important changes can be made therein only under circumstances which permit of the raising of the question of a change of government."³

After the defeat of ministers upon a vital question in the House of Commons there is but one alternative to their immediate resignation of office, — namely, a dissolution of Parliament and an appeal to the constituent body. This alternative, however, is not constitutionally available at all times when a majority of the House of Commons has condemned a ministry. It is regarded as admissible only under certain limited circumstances, and with the express consent of the sovereign. Ministers who advise it do so under heavy responsibility.

The prerogative of dissolution should be exercised with much discretion and forbearance. Frequent, unnecessary, or abrupt dissolu-

¹ Todd, Vol. II., p. 492. Under the English system, because the popular chamber makes the ministry ; but where the ministry are the agents of a president elected — as well as the chamber — by the people, the necessity is by no means so evident.

² *Ibid.*

³ *Ibid.*, quoting Mr. Gladstone, p. 502.

tions of Parliament "blunt the edge of a great instrument given to the Crown for its protection," and whenever they have occurred have always proved injurious to the state.¹

It will form a fitting close to this chapter to quote from one of the latest speeches made in the House of Commons by Mr. J. S. Mill on the 17th of June, 1868.

When a popular body knows what it is fit for and what it is unfit for, it will more and more understand that it is not its business to administer, but that it is its business to see that the administration is done by proper persons, and to keep them to their duties. I hope it will be more and more felt that the duty of this House is to put the right persons on the Treasury Bench, and when there to keep them to their work. Even in legislative business, it is the chief duty—it is more consistent with the capacity—of a popular assembly to see that the business is transacted by the most competent persons, confining its own direct intervention to the enforcement of real discussion and publicity of the reasons offered *pro* and *con*: the offering of suggestions to those who do the work, and the imposition of a check upon them if they are disposed to do anything wrong. People will more value the importance of this principle the longer they have experience of it.

¹ *Ibid.*, p. 507, quoting Peel.

CHAPTER VI

CABINET GOVERNMENT IN GREAT BRITAIN (*Continued*)

THE preceding chapter has been devoted to an analysis, as far as possible in the words of English authorities, of that feature of the English political machinery known as the Cabinet — forming what Mr. Bagehot calls the connecting link between the executive and the legislature.

A cabinet is a combining committee — a *hyphen* which joins, a *buckle* which fastens, the legislative part of the State to the executive part of the State. In its origin it belongs to the one; in its functions it belongs to the other.¹

We have next to consider the method and effects of the working of this institution in its actual operation. But before doing so it is desirable to examine another agency of government in the House of Commons, the Speaker, and this not only on its own account, but because of the difference of the functions which have grown up around the official of the same name in the Congress of the United States and the legislatures of the several states.

The Speaker is the presiding officer of the House of Commons. He is chosen out of the members of the House itself, and the appointment is confirmed by the Crown. He determines all points of order, that is, he decides whether a rule of the House with respect to its own proceedings exists or not, and whether it is being observed or not by any particular member in the course of a debate. When two or more members wish to speak at the same moment, he decides which of them shall be heard first. If the votes are equal in any case, he gives the casting vote, that is, decides which side shall prevail, but otherwise he does not vote.

¹ W. Bagehot, "English Constitution," The Cabinet.

The Speaker of the House is in every sense a most important and dignified officer. The tone and character of the debates of the House depend largely upon his judicial impartiality, knowledge of forms and precedents, and tact combined with courtesy of manner. If as a private member he has been identified with a party, he is required to divest himself of all party sympathies, and to concern himself only with the maintenance of the dignity and good order of the House. When he retires from office (which he generally holds from Parliament to Parliament as long as he pleases) he is usually created a peer. His salary is £5000.¹

The last Speaker but one, Sir H. B. W. Brand, held the office from 1872 to 1884, and upon his retiring was made Viscount Hampden.

If there is any one thing which has given to the British House of Commons the first rank among the parliamentary bodies of the world it is the position of the Speaker. Keeping himself studiously free from all interest either in the legislative or the executive work of the government, and in party movements of any kind, he devotes himself solely to the management of this large deliberative body in such a way that nobody can have a valid ground of complaint. And this attitude is preserved not merely by individuals, but by successive generations of Speakers. It was when Mr. Brand was Speaker, in the years 1881 and 1882, that obstruction by the Irish members reached its highest point, and the subject of a forcible closure of debate was agitated. It is impossible to follow without admiration the attitude of the Speaker, the care taken to preserve the rights of the minority, and the dignity and restraint of procedure which prevented the lapse into mob violence. It may safely be asserted that the superiority of the English House of Commons over the French Chamber and the American House of Representatives is not owing to the character of individual members, but to the traditional respect for the Speaker's authority, supported

¹ Sheldon Amos, "A Primer of the English Constitution and Government."

at once by the ministry and the leader of opposition. On the 25th of February, 1884, Mr. Gladstone, in moving a resolution of thanks to the retiring Speaker, Mr. Brand, observed : —

As a witness to the labors of five Speakers, extending over more than half a century, I do not hesitate to say that the functions, always arduous, always grave, which are entrusted to the hands of Mr. Speaker, have risen, Sir, during the period of your occupation of the chair to a point both of gravity and difficulty entirely beyond what your predecessors have had to encounter, and but for the skill, tact, courage, firmness, and admirable understanding which you have applied to the solution of the multitude of questions presented to you, those functions and the difficulties they present would have been graver still.

Sir Stafford Northcote, on behalf of the opposition, cordially joined in seconding the motion, and thanked the Speaker for the manner in which during twelve anxious and laborious years he had filled the high office which he held.

On Tuesday, February 26, Mr. Arthur Peel, successor of Mr. Brand, and holding office till 1895, being proposed, Mr. Rathbun quoted what Sir Robert Peel said of the Speaker sixty-five years before.

Whatever may be his talents and attainments, I consider it absolutely necessary that he should possess the confidence of the House. That confidence no attainments may command, while we bow with deference to high integrity and lofty independence.

Mr. Whitehead said : —

He, indeed, would have been a poor observer of the House who had not seen what a vast influence the character of the Speaker exercises upon our proceedings, and who has not realized how essential it is for us to appoint a gentleman of high character and unsullied reputation. The whole House has recognized the tact, the patience, and the firmness required in that office, the strict impartiality and the cool judgment at a time when the minds of all men around are stirred in party debate. While we of the majority are entitled to look to the Speaker to see that the rules and the orders and the practice which govern our

debates are not set aside or abused, the minority on the other hand should find in the Speaker their friend and best protector in the just exercise of their rights. No resolutions inscribed in our journals, no standing orders, no powers by statute, will for one moment avail a Speaker who has lost the confidence of the House.¹

Mr. Peel was elected without opposition, a fact which, in view of the importance of the place as an object of ambition, speaks volumes for the discipline of the House on both sides under their respective leaders.

On Tuesday, April 9, 1895, Mr. Peel retiring from office and being succeeded by Mr. Gully, Sir William Harcourt, in moving the usual resolutions of thanks to the Speaker, laid down what was expected from that officer.

We expect dignity and authority, tempered by urbanity and kindness; we look for firmness to control and persuasiveness to counsel; we demand promptitude of decision and justness of judgment, tact, patience, and firmness; a natural superiority combined with an inbred courtesy, so as to give by his own bearing an example and a model to those over whom he presides; an impartial mind, a tolerant temper, a reconciling disposition in public and private as a friend and prudent counsellor. These are high and they are exacting demands, and in you, Sir, we have found them all fulfilled.

Mr. Balfour and Mr. Chamberlain, on behalf of the Conservatives, and Mr. Justin McCarthy and Mr. John Redmond, representing the Irish parties, were equally cordial.²

To return to the ministry. Three things are especially to be noticed: first, that the ministers from their position stand in the attitude of representing the nation as a whole, as distinguished from the parts. Every member of the House of Commons represents one 670th part of the whole nation, and that only. No one of them has any interest, or certainly any authority, to stand forth

¹ London *Times* report. February 26 and 27, 1884.

² London *Spectator*, April 13, 1895.

as the guardian of the welfare of the whole against the claims of any other part or combination of parts. The ministry, on the other hand, as representatives of the Crown, that is, of the whole executive government, and responsible for it, are bound by their direct interest and are clothed with authority to see that the public interests are protected against the encroachments of those which are private and local. They cannot even devote themselves too exclusively to the interest of the majority, because, being personally subjected to public and constant criticism by members of the minority, they are held to take account of that outside public opinion, which is just as jealous, if not more so, of the rule of a majority as it is of that of individuals. In the second place, the requirement that all public bills shall be framed by the ministry, or under their direction and responsibility, exercises a steadying effect and prevents that looseness of legislation which becomes a habit when bills or amendments can be moved by any member at his pleasure, or even by committees of members, especially as neither member nor committee can be in any way held responsible for the effect of laws upon administration. Thirdly, when the conduct of legislation as well as administration is in the hands of ministers, measures become identified with men, and, as has been already observed,¹ the enthusiasm of the few who can understand the measures is combined and strengthened with the enthusiasm of the many who can only understand the men.

An illustration of these points will best be found in a brief history of perhaps the most important political change accomplished in Great Britain since the Revolution of 1688, namely, the parliamentary reform of 1832. It is curious to note that the Long Parliament proposed a redistribution of the representation much upon the

¹ See *ante*, Chap. III., p. 42.

principles of the act of 1832, and, considering the times, upon a much more radical basis, and that the plan was subsequently adopted by Cromwell in summoning the Parliament of 1654. According to Clarendon, —

It was not thought an ill temperament, and was then generally looked upon as an alteration fit to be more warrantably made and at a better time.¹

It was swept away, however, in the reaction of the Restoration, and the question did not again emerge into daylight till 1745, after the rebellion in Scotland, when a proposal for improved representation was negatived without a division. In 1766 we find Mr. Pitt, in a speech against the American Stamp Act, saying of the borough representation, —

This is what is called the rotten part of the Constitution. It cannot continue a century. If it does not drop it must be amputated.²

And again, as Earl of Chatham in the House of Lords, on the 22d of January, 1770, he spoke at length in advocacy of parliamentary reform. The first movement from the outside was made in 1776 by Wilkes's bill for disfranchising rotten boroughs and enfranchising Manchester, Leeds, Birmingham, Sheffield, and other rich and populous trading towns. His scheme, indeed, comprised all the leading principles of parliamentary reform which were advocated during the next fifty years without success. Several attempts were made in the same direction by Mr. Pitt in 1782-1785, and by Mr. Flood in 1790. In April, 1792, Mr. — afterwards Earl — Grey began that long struggle which in after years brought such great honor to his name. His motion in the following year was supported by a vast number of petitions, and among them by one of extraordinary length and ability from the

¹ The "History of England since 1830," by W. N. Molesworth, Vol. I., p. 3.

² *Ibid.* p. 7.

"Society of the Friends of the People," so complete and masterly an analysis of the parliamentary system that it became almost the text and manifesto of the future struggle. The motion, which was merely for inquiry, was unceremoniously rejected.¹ All these attempts were frustrated, in part by the will of the king and in part by the private interests which wielded a majority in Parliament. Then came the French Revolution, and the consequent panic in Great Britain, which, with the life-and-death struggle with Napoleon, postponed all effort for reform for a quarter of a century. With the return of peace, however, all the grievances and abuses which had been accumulating for a century and a half came to a head. First came the question of Catholic emancipation, which, of course, in the first instance mainly affected Ireland. The overwhelming majority of the inhabitants of that country were Roman Catholics, but the law placed the whole political power in the hands of the Protestant minority, not only excluding the Catholics from almost every office of trust and power, but preventing them from sending representatives of their own faith to the imperial Parliament. A strong and growing feeling of the iniquity of this state of things filled the minds of the oppressed majority, and many Protestants in Ireland, as well as in England, were convinced of the injustice and impolicy of these odious and invidious disabilities, and desired their abolition. The police, which was necessarily composed of Catholics, shared the prevailing passions and discontent. The Irish soldiers, who formed no inconsiderable portion of the British army, and were Catholics almost to a man, had been tampered with by the malcontents and could not be relied on in case of an insurrection. A Catholic association had been formed, and under the lead of Daniel O'Connell had placed itself

¹ James Routledge, "Popular Progress in England," p. 183.

at the head of one of the most formidable agitations that had ever been carried on in any country.¹ On the other hand, the Protestant minority in Ireland was closely allied with the English aristocracy, and determined to yield no jot of their privileges, while behind them the kings, both George III. and George IV., regarded themselves as bound by their coronation oath to resist any change in this respect, and exacted pledges from their ministers to do the same.

Then there was the question of agricultural distress. The wars with Napoleon had produced abundant suffering, but the landed interest had profited greatly by them. As long as they continued, it had enjoyed an almost complete monopoly, which caused a great rise of the profits of the farmer and the rents of the landlord. But the return of peace put an end to this monopoly, and the consequence was an immediate fall of rents and profits, attended by great agricultural distress. Instead, however, of accepting this necessity and endeavoring to accommodate themselves to it, the dominant landed interest made the prevalent distress a pretext for protecting, as it was termed, British agriculture by duties on the importation of foreign grain.² This law relieved the agricultural interest at the expense of almost every other interest in the nation. But these had their own burdens besides resulting from the cessation of the vast war expenditure of the government, and their resentment was bitter and deep. All the other distress was aggravated by the condition of the poor laws, which, by eking out insufficient wages with public support, had covered the land with able-bodied paupers and sturdy mendicants, and made it impossible for the honest and industrious to earn a support for themselves and their families.

On the 16th of August, 1819, a great meeting was held

¹ W. N. Molesworth. *op. cit.*, Vol. I., p. 26.

² *Ibid.*, p. 13.

in a large field near Manchester, where the Free Trade Hall now stands, for the purpose of petitioning the House of Commons for reform. It was computed that at least eighty thousand persons were present. The club banners bore the devices: "Universal Suffrage," "Annual Parliaments," "Vote by Ballot;" but the real object was cheap bread through the repeal of the corn laws. While the meeting was proceeding, a body of mounted yeomanry arrived and after some preliminary altercation rode at the crowd, cutting their helpless and unresisting victims with their swords, or trampling them under the feet of their horses. Altogether, between three and four hundred persons were cut or otherwise injured. It was noted that the troops of the line which were at hand acted with mingled coolness and firmness, and inflicted no injury whatever on the crowd. The harm was done by the militia, the neighbors, and who should have been the friends, of the crowd.

The effect of these events was to increase the alarm and exasperation which prevailed on both sides. The government brought into Parliament an array of bills giving them power to seize arms, suppress drilling, punish seditious libels, and employ other coercive measures. These bills were carried by large majorities, while every motion for inquiring into the distress of the people was voted down by the supporters of the ministry.¹

At the opening of the year 1830, matters seemed to be at their worst.

Trade, manufactures, agriculture,—all were stagnated. Many parishes were reduced to such a state of pauperism that the whole of the property within their limits was insufficient for the maintenance of their poor; and assistance had to be sought from neighboring parishes, already overburdened with the expense of supporting their own paupers. Landlords could not obtain their rents; farmers were impoverished; the agricultural laborer, whose wages were eked out from the poor rates, received just enough to enable him to procure for his family and himself the barest necessities of life. The manu-

¹ Molesworth, *op. cit.*, Vol. I., pp. 18-21.

facturing operatives of Lancashire and Yorkshire were in many instances receiving only threepence a day for more than twelve hours' labor. O'Connell stated in the House of Commons that in Ireland seven thousand persons were subsisting on threepence a day.¹

Upon this state of things came the French Revolution of July, which, in the strained relations of classes and with the memories of the years 1789-1795, furnished a powerful stimulus of hatred and fear. It was felt on all sides that the only hope of relief lay in a reform of Parliament. Great cities, such as Manchester, Birmingham, and Sheffield, of growing importance, had no representation, while the food of their starving operatives was maintained at an artificial price by the landowners, who controlled Parliament through their pocket boroughs.

Under these circumstances, how was it that civil war and violent revolution, after the French fashion, were averted? There can be no hesitation in answering that the element of safety consisted in an executive ministry, standing between Parliament and the Crown on the one hand and the nation on the other, and occupying the position of official mediators. In all cases of quarrel, whether between individuals or bodies of men, the first thing for the preservation of peace is to find out exactly what they disagree about, and for that purpose to have an agent or negotiator in whom both sides have confidence. Blind exasperation, venting itself in abuse and recrimination, is pretty sure to lead to blows. But if both sides can be brought to state exactly what it is that they want, this is in itself a sobering process and renders possible an examination whether there is any available basis of compromise. In the case under consideration, the first object was to place a ministry in power who would take up the subject of reform. To get such a ministry was a question of voting and not of violence, and for that purpose action

¹ *Ibid.*, p. 39.

upon public opinion was necessary, which again was to be brought about by agitation, indeed, but of a peaceful kind. In July of 1830 a general election took place, and the new Parliament met in October, under the influence of the recent revolution in France, to meet a ministry, led by the Duke of Wellington, in declared opposition both to Catholic emancipation and to parliamentary reform. Free speech and a free press, with the public reporting of debates, were, however, too much even for a Parliament of which the majority were representatives of a few individuals or close corporations, generally selling their right of nomination for a valuable consideration. In November the ministry were defeated on a different question, and sent in their resignation. The king, William IV., sent for Earl Grey, whose name had been for so many years identified with the reform of Parliament, and who accepted office on condition that this should be made a cabinet question. The first stage of the conflict had passed, and the next was to turn upon the measure of reform. If it had been open to every member of the House of Commons to propose a bill, and had been left to committees of the House to decide upon the merits of each, it would have been easy to postpone the subject indefinitely by proposing amendments and by the process known in the United States as "lobbying." But safety was found again in the principle which we have seen in the last chapter: that in all public affairs the preparation of bills is left exclusively to the ministry upon their responsibility to the House and the country. Earl Grey intrusted the preparation of the government measure to a committee, of which Lord John Russell was a member, and his plan was adopted by the committee.

Meantime, as the knowledge of the government action spread through the country, the strain at the Home Office abated for a time. Politics came in as a counter irritant, and agitation in the social form

it first assumed began to subside. There was not less suffering but the people were more hopeful. They knew, in a general way, that it was proposed to make a great change in the House of Commons. If that change could be brought about, surely it would be possible to make good laws and get rid of the evils from which the nation suffered. Hence, attention everywhere was fixed on the Reform Bill. It became a symbol of hope to those who felt the pinch of want. By some process, not very clearly comprehended, it was to act as a universal remedy.¹

The bill, and nothing but the bill, was the tenor of the cry which arose on every side. The public feeling was raised to a high pitch of excitement, and it was felt that if anything went wrong with the bill serious events might happen.

The bill which Lord John Russell brought in on the 1st of March, 1831, began a battle which lasted, without cessation, till the 5th of June, 1832. On the 21st of March it was read a second time by a majority of one, but a defeat in Committee of the Whole decided the ministers to advise a dissolution. The interview at which Earl Grey and Lord Brougham tendered this advice would suggest a scene for the stage. The king fumed and his eye flashed with anger as he learned the preparations which had been made for his going down to the House, including even the ordering out of the Life Guards. His prerogative was doubly assailed. Ministers had dared to assume that he would do as they advised him, and they had even presumed to give orders to the army without his authority. But he went all the same. The House of Lords was in a state of tumult as the Tower guns announced the king's approach. The ministerial decision had taken the peers by surprise. They dreaded an appeal to the country, and sincerely believed that they were standing on the brink of a revolution.

The new Parliament met after a short interval, and a second reform bill was introduced. Ministers were now all-powerful in the House of Commons. The bill was read a third time by a majority of 106, and on October 3 the second reading began in the House of Lords. It was thrown out by a majority of 41, and the country was brought at once to the verge of civil war. The restless spirits who hang on to the skirts of every popular movement were eager for mischief. Nottingham Castle was set on fire. Bristol was for three days in the hands of the mob. These and similar outbreaks were speedily suppressed. There was much greater difficulty in dealing with the

¹ Dunkley, "Life of Lord Melbourne."

Birmingham Political Union and the mighty force of public opinion which it embodied. The members were giving themselves a military organization. They professed to be peaceful in their aims, but had pledged themselves to pay no taxes unless the king would create as many peers as were necessary to pass the bill, and they might any day turn out into the streets an army ready for action. The movement, moreover, was extending. Unions were being formed in London. They were advised to carry arms, and were beginning to call themselves the National Guard. By the steady administration of Lord Melbourne at the Home Office danger was kept at bay till the success of an adverse motion, by Lord Lyndhurst, threw out a third bill, led to the resignation of ministers, and brought the Duke of Wellington into power for three days. When the duke seemed to be preparing to take the revolution in hand, and the soldiers in the barracks at Birmingham were sharpening their swords for what might happen, the danger seemed extreme, but it disappeared when the ministry were reinstated in office and the passing of the bill was rendered certain by the consent of the king to create peers, should it be found necessary.¹

The House of Lords had no mind to see their privileged order swamped with new creations of Liberal peers and yielded. With the royal assent to the bill England passed without violent revolution from the Middle Ages to the nineteenth century. It is impossible to insist too strongly upon the fact that this was not because she had a population less exasperated or less determined than that of France, or an aristocracy less selfish or less obstinate, but because of that feature of her political machinery which admitted of reducing all the suffering and all the discontent of a nation to two simple issues to be answered by "Yes" or "No." The first was whether a ministry should be placed in power pledged to deal with the subject; and the second, the framing by that ministry of a measure which, though extremely complex in itself, and understood by very few of the people, was accepted by the whole nation as the embodiment of their demands, and was forced upon the aristocracy by the combined weight of

¹ Dunckley, *op. cit.*

public opinion, until, seeing the exact nature of the sacrifice demanded, they were compelled to give way. We shall have occasion to consider hereafter what was in an analogous case the effect of the absence of such machinery.¹

It would not be possible, within the limits of this work, to follow all the achievements of a reformed Parliament under the guidance of an executive ministry. But there is one department which cannot be overlooked. An Austrian statesman is said to have once remarked, "Show me good finance, and I will show you good politics," and British national finance for sustained skill of management during half a century is perhaps without parallel in the history of the world.

Sir Robert Peel became first lord of the treasury in 1841. The position of the head of the finances, whether called by that name, or, as has since become more customary, by that of chancellor of the exchequer, is well indicated in the words of his biographer.

Except by a few, Peel was little loved and scarcely understood, but by all he was honored and felt to be necessary. He was, therefore, punctually obeyed, and had his colleagues and his followers as well disciplined as the crew of a man-of-war. The Opposition had been very pressing to know by what expedients Peel meant to restore order in the affairs of the country. Peel answered every such demand by saying that he must have time to gather information and to mature his plans.²

The principle of his finance was very simple. In every one of the last five years there had been a deficit, and the total of these deficits amounted to £8,000,000. It was known that unless a remedy was applied the current year would add to this sum total a fresh deficit of £2,500,000. The old familiar remedy was to add a little to each of many indirect taxes, but this remedy

¹ *Post*, Chap. XIX.

² "Life of Sir Robert Peel," by F. C. Montague, Chap. VIII.

had been lately tried in vain, because in a time of distress every increase of a tax diminishes consumption. The tariff comprised some twelve hundred articles, and the cost of collecting the duties absorbed most of the product. Peel's plan was to put on in time of peace the income tax, hitherto used only during war, and thus not only to cover the deficit, but to secure a surplus to use in simplifying other taxation. The income tax has ever since been maintained, and taxation so simplified that the customs are raised entirely from a few large articles, either such as are not produced in the country at all, like tea, coffee, and tobacco, or else, as with wine and spirits, where the customs duties are offset by an internal excise. The wisdom of using surpluses to relieve taxation instead of paying off debt is proved by the greatly increased facility with which the nation carries the debt. It is hardly an exaggeration to say that by postponing payment of the debt the British nation has saved the full equivalent of its amount in its reduced proportion to the national wealth; and yet there has taken place a gradual and steady reduction of the debt, which, from £885,000,000 in 1816, has fallen to less than £652,000,000 at the present time. The annual budget is calculated and balanced with an accuracy unequalled by any other nation. In April of each year the chancellor of the exchequer lays before Parliament his estimate of revenue and expenditure for the ensuing year, rarely differing by more than one-quarter to one per cent, and compares the result of the closed annual accounts with the estimate of the preceding year, again rarely differing by more than one-half or one per cent. If there is a surplus, he states his intention to take off or add to certain items of taxation, or to apply a proportion to the reduction of debt. Although the Opposition is always watching for opportunities to criticise the government in its finance, as well as in any other

particular, yet the men to whom the work is intrusted are of such proved ability and high reputation that a government has of late years seldom been defeated upon questions of finance.

Among the first financial questions to be dealt with by the reformed Parliament was that of the corn laws, by which the price of food for the manufacturing towns was artificially maintained in the interest of the land-owners, and a battle raged over it almost as fierce as that over parliamentary reform itself. As before, the issue was to get a ministry pledged to deal with the question, an object attained in this instance by the conversion of Sir Robert Peel himself. It brought upon him great obloquy from the members of his party, but so severe is the test to which an English statesman is exposed, that few persons ever questioned the sincerity of his motives.

Sir Robert Peel, one year upholding the corn laws as the perfection of human wisdom, and another year talking of sweetening the bread of the poor by taking from that bread the bad seasoning of injustice, is a fine example of a grave and conscientious statesman following, not leading, public opinion.¹

So firmly fixed is the basis of British finance by its being placed in the hands of a single national and responsible head, that, while almost all the governments of the world are at this moment engaged in a rivalry as to which shall tax its subjects most for the benefit of private interests by excluding the competition of foreigners, Great Britain alone maintains an unwavering adhesion to the principles of free trade which she has thus worked out, and any proposal to depart from them is received with general scorn. We shall have occasion to appreciate the value of this financial machinery by comparison with others constructed on a different plan.

Speaking generally, the functions of the ministry may

¹ J. Routledge, "Popular Progress in England," p. 586.

be said to consist, in the first place, in the conduct and guidance of parliamentary business, which is just as much executive work as administration itself. A body of five or six hundred men, all perfectly equal and without any officers, can no more carry on business successfully, than a regiment of privates can go into battle under the same conditions with any hope of victory. If every member can with equal authority introduce any number of measures upon any number of subjects, intelligent selection and treatment of them become impossible, and the result is simply anarchy. In the next place, it is this conduct of business by the ministry, the taking up of different questions with system and order, which renders possible that public discussion which forms public opinion and brings the will of the people to bear. With a great and heterogeneous mass of business deprived of such conduct, the main force of the struggle is expended in deciding by sheer will of a majority what questions shall be taken up, and the same will of the majority is then applied to settling them without discussion. Again, it is the public discussion rendered possible by ministerial action which admits of the projection of individuality. In the confused struggle for supremacy among a mass of equals, rule by majority is the objective point. The most marked characteristic is jealousy of individual superiority and the suppression by common consent of that basis of personal enthusiasm which is the most effective of all instruments for moving multitudes of men. But the advantage of ministerial action in a legislature which needs most to be insisted on is the presentation and defence of the public interest as against the private and local interests represented by members. We shall find abundant illustrations of these points when we come to consider representative government without a ministry.¹ It is sufficient,

¹ See *post*, Chaps. XVII.-XIX.

though essential, at this time, to lay stress upon their importance.

We have thus far dwelt upon the merits of the British ministerial system, and we have now to consider the drawbacks, of which some are inseparable from every human institution. Mr. Bagehot may be quoted as a certainly not unfavorable witness. Speaking of changes of ministry he says:—

All our administrations go out together. The whole executive government changes—at least all the heads of it change—in a body, and at every such change some speculators are sure to exclaim that such a habit is foolish. They say, “No doubt Mr. Gladstone and Mr. Russell may have been wrong about reform; no doubt Mr. Gladstone may have been cross in the House of Commons; but why should either or both of these events change all the heads of all our practical departments? What could be more absurd than what happened in 1858? Lord Palmerston was for once in his life over-buoyant; he gave rude answers to stupid inquiries; he brought into the Cabinet a nobleman concerned in an ugly trial about a woman; he or his foreign secretary did not answer a French despatch by a despatch, but told our ambassador to reply orally. And because of these trifles, or at any rate these isolated unadministrative mistakes, all our administration had fresh heads. The Poor Law Board had a new chief, the Home Department a new chief, the Public Works a new chief. Surely this was absurd.” Now is this objection good or bad? Speaking generally, is it wise so to change all our rulers?

The practice produces three great evils. First, it brings in on a sudden new persons and untried persons to preside over our policy. A little while ago Lord Cranborne had no more idea that he would now be Indian secretary than that he would be a bill broker. He had never given any attention to Indian affairs; he can get them up because he is an able, educated man who can get up anything. But they are not “part and parcel” of his mind, not his subjects of familiar reflection, nor things of which he thinks by predilection, of which he cannot help thinking. But because Lord Russell and Mr. Gladstone did not please the House of Commons about reform, there he is. A perfectly inexperienced man, so far as Indian affairs go, rules all our Indian empire. And if all of our heads of offices change together, so very frequently it must be. If twenty offices are vacant at once, there are almost never twenty tried, competent, clever men ready to take them. The difficulty of making up a government is very much like the difficulty of putting together a Chinese puzzle: the spaces do not suit

what you have to put into them. And the difficulty of matching a ministry is more than that of fitting a puzzle, because the ministers to be put in can object, though the bits of a puzzle cannot. One objector can throw out the combination. In 1847 Lord Grey would not join Lord John Russell's projected government if Lord Palmerston was to be foreign secretary; Lord Palmerston *would* be foreign secretary, and so the government was not formed. The cases in which a single refusal prevents a government are rare, and there must be many concurrent circumstances to make it effectual. But the cases in which refusals impair or spoil a government are very common. It almost never happens that a ministry maker can put into offices exactly whom he would like; a number of place men are always too proud, too eager, or too obstinate to go just where they should.

Again, this system not only makes new ministers ignorant, but keeps present ministers indifferent. A man cannot take the same interest that he might in his work if he knows that by events over which he has no control, by errors in which he had no share, by metamorphoses of opinion which belong to a different sequence of phenomena, he may have to leave that work in the middle, and may very likely never return to it. The new man put into a fresh office ought to have the best motive to learn his task thoroughly, but in fact in England he has not at all the best motive. The last wave of party and politics brought him there; the next may take him away. Young and eager men take, even at this disadvantage, a keen interest in office work, but most men, especially old men, hardly do so. Many a battered minister may seem to think much more of the vicissitudes which make him and unmake him than of any office matter.

Lastly, a sudden change of ministers may easily cause a mischievous change of policy. In many matters of business, perhaps in most, a continuity of mediocrity is better than a hotch-potch of excellencies. For example, now that progress in the scientific arts is revolutionizing the instruments of war, rapid changes in our head preparers for land and sea war are most costly and most hurtful. A single competent selector of new inventions would probably in the course of years, after some experience, arrive at something tolerable; it is in the nature of steady, regular, experimenting ability to diminish, if not to vanquish, such difficulties. But a quick succession of chiefs has no similar facility. They do not learn from each other's experience; you might as well expect the new head boy in a public school to learn from the experience of the last head boy. The most valuable result of many years is a nicely balanced mind instinctively heedful of various errors; but such a mind is the incommunicable gift of individual experience, and an outgoing minister can no more leave it to his successor than an elder brother can pass it on to a younger.

Thus a desultory and incalculable policy may follow from a rapid change of ministers.¹

Mr. Bagehot then attempts with moderate success to refute these arguments, his main point being that the peculiarities mentioned are essential to parliamentary government, — which as regards English parliamentary government is undoubtedly true. The English ministry is practically elected by the parliamentary majority, and is dependent upon that majority for existence. Its main strength must therefore be directed to maintaining that majority, while its appeal to public opinion is only indirect. For the same reason neither men nor measures ever get an expression of opinion from the nation as a whole, but only through a multitude of separate elections by districts. Again, the prime minister is not formally elected even by the House of Commons. His outgoing predecessor advises the queen to ask him, as the most prominent man in opposition, to form a ministry. He does this by inviting certain other men, as independent as himself, to join with him. He has no authority over them, nor they over each other. It is a purely voluntary association, of which each member makes it a condition that he shall be supported, that is, if he is in danger of being forced by an adverse majority to resign, the other members of the ministry shall make their resignation a consequence of his, notwithstanding that there may be involved only a question relating specially to his department. It is a case of unstable equilibrium. Not to speak disrespectfully, the ministry is like a company of men who, after excessive conviviality, are able to stand upright only by holding on to each other.

Moreover, the defeat and resignation of the ministry may occur at any time, and so they form a subject of constant effort and watchfulness on the part of the Opposi-

¹ W. Bagehot, *op. cit.*, No. VI.

tion, while a dissolution and a general election are equally matters of uncertainty. In the statement above quoted Mr. Bagehot treats of frequent and of sudden changes of ministry as being one and the same thing, whereas in fact they are quite different. This constant attack and defence further require a tight drawing of party lines and discipline. If there is one thing, however, that has followed upon the wide extension of suffrage, it is the loosening of party ties. In the old days of Whigs and Tories, when society and political power were sharply divided between those who were interested in and strove to maintain existing conditions and those who demanded change, party was a much more coherent force; but now that the electorate is counted by millions with an almost infinite variety of aspirations, the names Liberal and Conservative are much less clearly defined and less powerful as a working machinery. More, perhaps, than ever before, unless in time of war, which always brings individuals to the front, political forces are identified with leaders like Mr. Gladstone and the Marquis of Salisbury, while there is a failure in the guidance of and response by public opinion from the fact that these leaders do not and cannot appeal directly to the mass of the people, but only through Parliament to the separate constituencies.

English writers have not failed to notice this change.

Prior to the Reform Act of 1832 party organization seldom failed to secure an adequate support in Parliament for the existing administration. But the large reduction in the number of placemen and steady supporters of government in the House of Commons, consequent upon the abolition of treasury nomination boroughs, and the insubordination of new members of the Reformed Parliament to party leaders rendered government by party increasingly difficult. Again the rapid and entire change of opinion which was exhibited by Sir Robert Peel in the settlement of the corn law question in 1846, a change which he refrained from communicating beforehand even to the leading members of the Conservative party, gave a further shock to the old system from which it has never fully recovered; thereby

rendering the repeal of the corn laws a landmark not only in our economical but also in our constitutional history. Moreover, as the other great questions which of old divided the Whigs and Tories into hostile camps were disposed of and as the bulk of the nation began in consequence of the spread of education to take a deeper interest in matters of political concern, the number of independent members has naturally and inevitably increased until it has become exceedingly difficult for any party to secure a reliable working majority in the House of Commons.

Nor is it the government alone that suffers from the decline of party organization: the Opposition, likewise, are no longer subject as of old to the direction of one acknowledged chief, and it is not uncommon nowadays to witness an opposition in Parliament split up into different factions, each carrying on a sort of guerilla warfare in its own way.¹

It will not be without interest to quote, in addition, the words of a foreign observer upon this point.

The tremendous difficulty of gaining for every important measure the consent of many hundred intelligent, influential, and independent men, causes a clumsiness in a government by party, which only English energy, with its party discipline in the form of a cabinet, has, in the course of two generations, overcome. Real progress, even in this more practicable form, is difficult enough even at the present day, and every initiated person knows what difficulties, now as formerly, the apparently omnipotent prime minister has to overcome, not only above and below, but also in the circle of his own colleagues, before he succeeds in inducing a cabinet of a dozen capable men, every one of whom has his own system, his own past, and his own future, to unite in adopting resolutions. That eternal problem, how, in a free state, to blend the diversities of individual wills together into one united and single will of the state, is concentrated in an English cabinet as in a focus.²

England, too, will experience the fact that the transition to the new order of industrial society is brought about through a process of dissolution of the old cohesions, upon which the constitution of Parliament is based. The unrepresented social mass, which is now unceasingly flooding the substructure of the English Constitution, will only stay its course at a universal suffrage and a thorough and arithmetical equalization of the constituencies, and will thus attempt, and in great measure achieve, a further dissolution of the elective bodies.

¹ Todd, *op. cit.*, Vol. II., p. 413, quoting authorities.

² Gneist, "History of the English Constitution," Vol. II., note to p. 431.

To meet the coming storm, a certain fusion of the old parties seems to be immediately requisite, though the propertied classes, in defending their possessions, will certainly not at first display their best qualities. As, further, a regular formation in two parties cannot be kept up, a splitting up into fractions, as in the parliaments of the Continent, will ensue, and the changing of the ministry will modify itself accordingly, so that the Crown will no longer be able to commit the helm of the state in simple alternation to the leader of the one or the other majority. And then a time may recur in which the *King in Council* may have to undertake the actual leadership.¹

The full importance of these remarks will be seen when we come to treat of a government in which, instead of a king or queen ruling by hereditary succession, who must be either a despot or a cipher, and wholly beyond the expression of any popular feeling except loyalty, we find a chief magistrate elected practically by the direct vote of the whole nation for a limited period; such a magistrate holding, during that interval, an almost despotic power, but as a trust for which he is held responsible to the great mass of public opinion under the enforcement of a watchful legislature; and having the power of appointment and dismissal of all his ministers, who are, therefore, wholly independent of a party majority, though both legislature and executive appeal to the arbitration of the people at fixed intervals. If it shall be found that the failures of such a government are owing mainly, if not entirely, to the exclusion of the cabinet ministers from seats in and participation in the business of the legislature, and it shall further appear that all the advantages of the cabinet government which has achieved such results in Great Britain can be equally secured under these different conditions, so much may at least be said, that there may be presented to the world a phase of popular government such as it has never yet seen.

¹ Gneist, *op. cit.*, pp. 452, 453.

CHAPTER VII

FRANCE BEFORE THE REVOLUTION

IF we cross the narrow strip of sea which separates Great Britain from the continent of Europe the curtain rises upon a different scene. The last word has by no means yet been said as to the French Revolution of 1789 and its results. The horror which it inspired has been softened by the lapse of years, and men are more disposed to study its real meaning in a philosophical spirit. A notable instance of this is the work of Mr. H. Morse Stephens, which marks a great change in the English point of view. Setting apart the previous wars of the old French monarchy, it may be doubted whether the amount of human suffering, caused in France in the years 1789 to 1795 by the direct and conscious action of man, apart from the consequences of political mistakes, was at all to be compared with that caused, even to Germans, by the German invasion of France in 1870-71, especially if we include the fate of the thousands of widows and orphans thereby created. Yet this event is hailed by all Germany as a glorious triumph, and the rest of the world is rather disposed to admit the claim. That a king or emperor should send a half-million of men to slaughter and destruction is regarded as quite in the natural course of history. It is only when a convention of nameless men orders the beheading of a king and queen, and a peasantry pillages and burns the castles of a few thousands of lords and gentlemen, that the vials of wrath are poured out.

A very general impression prevails that the difference

in the modern history of Great Britain and France is almost wholly owing to the difference in the character of the peoples. It would be idle to deny that there is some foundation for this, but it may fairly be maintained that this cause is much less important than is generally supposed. It is the old and vexed question of heredity as against circumstance and education. For obvious reasons it is not possible to carry on experiments with regard to individuals, but with nations the case is quite different. A variety of treatment for one, two, or three hundred years may change fundamentally the character of institutions and with them of races. There are two things which have thus modified English history, — the absence of foreign wars and of an alien religion.

On the continent of Europe the introduction of standing armies and the revolution in the art of war, which made it a “distinct science and a distinct trade,” had emancipated rulers from the chief restraint on their power — the fear of an armed people — and enabled them to either utterly sweep away or reduce to empty formalities the national assemblies, which had once been as free and as potent as our own early parliaments. The free constitutions of Castile and Arragon were successively overthrown by Charles V. and Philip II.¹

From the time of the Norman conquest there has never been an invasion of British soil by a foreign army; and only once, at the time of the Spanish Armada, has there been any serious fear of it. Wars there have been, carried on abroad by English men and money, but always as a kind of amateur work, limited, besides all else, by transportation by sea. The nation could therefore at any time compel the king to abandon a war by refusing supplies, and was not itself forced by the necessities of self-preservation to surrender its liberties into the hands of a despotic ruler. Henry VII., when he succeeded to the throne after the wars of the Roses, was sufficiently despotic in temper.

¹ Taswell-Langmead, *op. cit.*, pp. 363, 364.

Throughout his reign of twenty-four years he summoned Parliament only seven times, and during the last thirteen years only once, in 1504 — always to obtain money.¹

But he had not at command the expedients employed about the same time by Louis XI. to undermine the power of the French nobility, a process which was fearfully accelerated by the Italian wars of Charles VIII. and Louis XII. Moreover, Henry VII., as well as Henry VIII. and Elizabeth, was born of native parents and English in feeling and sympathies. The nation was saved from such a curse as the importation of Catherine de Médicis. When, in the later generations, the blood of the Guises and of Henrietta Maria made its appearance in the Stuarts, the power of Parliament had become sufficiently established to sustain the conflict. Strafford and Laud corresponded in character and purpose with Richelieu and Mazarin, but the foundation laid in the two countries by the work of the previous one hundred and fifty years was wholly different. Parliament had continued steadily to exert its power and maintain its strength, so that it was able to carry the nation through the long struggle from the accession of Charles I. to that of William III., and was then saved from the consequences of its own weakness by the development of cabinet government, which we have already traced. Wars, like other public business, are ultimately a question of taxation. The English Parliament, in asserting its power against the Crown, kept a firm hold upon taxation, and for that very purpose was compelled to adjust that taxation so as to command the support of various interests.

Unquestionably the English aristocracy is of a haughtier nature than that of France, and less disposed to mingle familiarly with those who live in a humbler condition; but the obligations of its own rank imposed that duty upon it. It submitted that it might command.

¹ *Ibid.*, p. 374.

For centuries no inequality of taxation has existed in England except such exemptions as have been successively introduced for the relief of the indigent classes. Observe to what results different political principles may lead nations so nearly contiguous. In the eighteenth century the poor man in England enjoyed exemption from taxation, the rich in France. In one country the aristocracy has taken upon itself the heaviest public burdens in order to retain the government of the State; in the other the aristocracy retained to the last exemption from taxation as a compensation for the loss of political power.¹

The States-General in France in the Middle Ages retained the same right of adjusting the taxation as the English Parliament.

The greater part of the general subsidies voted by the three Orders in the course of the fourteenth century were levied equally on the clergy, the nobility, and the people.²

It was in the struggle for the expulsion of the English from France under the lead of Joan of Arc that Charles VII. began to violate this rule.

I venture to assert that when the French nation, exhausted by the protracted disturbances which had accompanied the captivity of King John and the madness of Charles VI., suffered the Crown to levy a general tax without the consent of the people or of the states of the realm, and when the nobility had the baseness to allow the middle and lower classes to be so taxed on condition that its own exemption should be maintained, at that very time was sown the seed of almost all the vices and almost all the abuses which afflicted the ancient society of France during the remainder of its existence, and ended by causing its violent dissolution. . . . When the king first undertook to levy taxes by his own authority, he perceived that he must select a tax which did not appear to fall directly on the nobles; for that class, formidable and dangerous to the monarchy itself, would never have submitted to an innovation so prejudicial to their own interests. The tax selected by the Crown was, therefore, a tax from which the nobles were exempt, and that tax was the *taille*.³

It was the multiplication of this tax which made the *taille* one of the principal grievances of the Revolution. The Crown, having thus assumed the power of taxation,

¹ De Tocqueville, "France before the Revolution," Book II., Chap. X.

² *Ibid.*

³ *Ibid.*

applied it not only arbitrarily but in the worst and most destructive forms. As their demands increased,

the kings of France would neither convoke the States-General to obtain subsidies, nor would they provoke the nobility to demand that measure by imposing taxes on them without it. Hence arose that prodigious and mischievous fecundity of financial expedients which so peculiarly characterized the administration of the public resources during the last three centuries of the old French monarchy.

It is necessary to study the details of the administrative and financial history of that period to form a conception of the violent and unwarrantable proceedings which the want of money may prescribe even to a mild government, but without publicity and control, when once time has sanctioned its power and delivered it from the dread of revolution, that last safeguard of nations.

Every page in these annals tells of possessions of the Crown first sold and then resumed as unsalable; of contracts violated and of vested interests ignored; of sacrifices wrung at every crisis from the public creditor, and of incessant repudiations of public engagements.

Privileges granted in perpetuity were perpetually resumed. Thus Louis XIV. annulled all the titles of nobility acquired in the preceding ninety-two years, though most of them had been conferred by himself; but they could only be retained upon furnishing a fresh subsidy, *all these titles having been obtained by surprise*, said the edict. The same example was duly followed by Louis XV. eighty years later. The militiaman was forbidden to procure a substitute, for fear, it was said, of raising the price of recruits to the State. Towns, corporations, and hospitals were compelled to break their own engagements in order that they might be able to lend money to the Crown. Parishes were restrained from undertaking works of public improvement, lest by such a division of their resources they should pay their direct taxes with less punctuality.¹

The wretched system of farming the taxes was another of the fatal expedients of finance, which in the long run could have but one result. Passing over the crushing weight of direct taxation upon the poor, including the *corvée* or forced labor of the peasants upon the highways, take one example of the indirect methods.

A boat laden with wine from Languedoc, Dauphiny, or Roussillon, ascending the Rhone and descending the Loire to reach Paris, through

¹ *Ibid.*

the Briare canal, pays on the way, leaving out charges on the Rhone, from thirty-five to forty kinds of duty, not comprising the charges on entering Paris. It pays these at fifteen or sixteen places, the multiplied payments obliging the carriers to devote twelve or fifteen days more to the passage than they otherwise would if their duties could be paid at one bureau. The charges on the routes by water are particularly heavy. From Pontarlier to Lyons there are twenty-five or thirty tolls; from Lyons to Aigues-Mortes there are others, so that whatever costs ten sous at Burgundy amounts to fifteen or eighteen sous at Lyons, and to over twenty-five sous at Aigues-Mortes. The wine at last reaches the barriers of the city where it is to be drunk. Here it pays an octroi of forty-seven francs per hogshead. Entering Paris, it goes into the tapster's or vintner's cellar, where it again pays from thirty to forty francs for the duty on selling it at retail. At Rennes the dues and duties on a barrel of Bordeaux wine, together with a fifth over and above the tax, local charges eight sous per pound, and the octroi, amount to more than seventy-two livres, exclusive of the purchase money. These charges fall on the wine-grower, since if consumers do not purchase he is unable to sell.¹

Compare this with the provision of the Constitution of the United States that all duties, imports, and excises shall be uniform throughout the United States, and that no tax or duty shall be laid on articles exported from any state, and ask if the difference is not sufficient in the course of a century to affect the whole character of a people.

The next consequence of the absorption of the power of taxation by the Crown in France was the attempt to break the political power of the nobility, and for both purposes to create hostility between classes. For this the most effective of all instruments is inequality of taxation. The English nobility, by the habit of combining in Parliament with the squires and townspeople to control the sovereign, drew gradually nearer to them, and thus was produced that fusion of classes which has always been a marked feature in Great Britain. De Tocqueville, writing of the early part of the eighteenth century, says : —

¹ Taine, "Ancien Régime," Book V., Chap. II.

It was, indeed, not so much its Parliament, its liberty, its publicity, or its jury, which at that time rendered England so unlike the rest of Europe: it was something far more peculiar and far more powerful. England was the only country in which the system of caste had been not only modified but effectually destroyed. The nobility and the middle classes in England followed the same business, embraced the same professions, and, what is far more significant, intermarried with each other. The daughter of the greatest nobleman could already, without disgrace, marry a man of yesterday.¹

So, M. Taine: —

The feudal seigniors, instead of allowing the sovereign to ally himself with the people against them, allied themselves with the people against the sovereign. To protect their own interests better, they secured protection for the interests of others, and, after having served as the representatives of their compeers, they became the representatives of the nation. Nothing of this kind takes place in France. The States-General had fallen into desuetude, and the king may with truth declare himself the sole representative of the country.²

From the time of Louis XI., the French kings successfully practised upon this principle of divide and rule.

It was this desire of preventing the nation, when asked for its money, from asking back its freedom which gave rise to an incessant watchfulness in separating the classes of society so that they should never come together or combine in a common resistance, and that the government should never have on its hands at once more than a very small number of men separated from the rest of the nation. In the whole course of this long history, in which have figured so many princes remarkable for their ability, sometimes remarkable for their genius, almost always remarkable for their courage, not one of them ever made an effort to bring together the different classes of his people or to unite them otherwise than by subjecting them to a common yoke.³

But what strikes us most is that the nobility and the *Tiers État* found it in the fourteenth century so much easier to transact business together or to offer a common resistance than they have ever found it since. This is observable not only in the States-General of the fourteenth century, many of which had an irregular and revolutionary character impressed upon them by the disasters of the time, but in

¹ De Tocqueville, *op. cit.*, Book II., Chap. IX.

² "Ancien Régime," Book I., Chap. IV.

³ De Tocqueville, *ibid.*, Chap. X.

the provincial Estates of the same period, where nothing seems to have interrupted the regular and habitual course of affairs. Thus, in Auvergne, we find that the three orders took the most important measures in common, and that the execution of them was represented by commissioners chosen equally from all three. The same thing occurred at the same time in Champagne. Every one knows the famous act by which, at the beginning of the same century, the nobles and burgesses of a large number of towns combined together to defend the franchises of the nation and the privileges of their provinces against the encroachments of the Crown. During that period of French history we find many such episodes, which appear as if borrowed from the history of England. In the following centuries events of this character altogether disappeared.

The fact is that, as by degrees the government of the lordships became disorganized, and the States-General grew rarer or ceased altogether, — that, as the general liberties of the country were finally destroyed, involving the local liberties in their ruin, — the burgess and the noble ceased to come into contact in public life. They no longer felt the necessity of standing by one another, or of a mutual compact; every day rendered them more independent of each other, but at the same time estranged them more and more. In the eighteenth century this Revolution was fully accomplished, the two conditions of men never met by accident in private life. Thenceforth the two classes were not only rivals but enemies.¹

And thus it came about that when the States-General assembled in 1789, after an interval of 175 years, the first great difficulty, and one which hastened the march of events, was the refusal of the nobility and higher clergy to act in common with the *Tiers État*. There was another consequence of this separation of classes.

It is always with great difficulty that men belonging to the upper classes succeed in discerning with precision what is passing in the mind of the common people, and especially of the peasantry. The education and the manner of life of the peasantry give them certain views of their own, which remain shut to all other classes. But when the poor and the rich have scarcely any common interests, common grievances, or common business, the darkness which conceals the mind of the one from the other becomes impenetrable, and the two classes might live forever side by side without the slightest interpenetration. It is curious to observe in what strange security all those who inhabited

¹ De Tocqueville, *op. cit.*, Book II., Chap. IX.

the upper or the middle stories of the social edifice were living at the very time when the Revolution was beginning, and to mark how ingenuously they discoursed on the virtues of the common people, on their gentleness, on their attachment to themselves, on their innocent diversions; the absurd and terrible contrast of '93 was already beneath their feet.¹

While the French kings were destroying the power of the nobles, the same process was destroying that of the towns.

In France municipal freedom outlived the feudal system. Long after the landlords were no longer the rulers of the country districts, the towns still retained the right of self-government. Some of the towns of France continued down to nearly the close of the seventeenth century to form, as it were, small democratic commonwealths in which the magistrates were freely elected by the whole people, and were responsible to the people — in which the city was still proud of her rights and jealous of her independence.

These elections were generally abolished for the first time in 1692. The municipal offices were then what was called put up to sale; that is to say, the king sold in each town to some of the inhabitants the right of perpetually governing all their townsmen. And it well deserves the scorn of history that this great change was accomplished without any political motive. Louis XI. had curtailed the municipal liberties of the towns because he was alarmed by their democratic character. Louis XIV. destroyed them under no such fears. In reality his object was not to abolish them but to traffic in them, and if they were actually abolished it was, without meaning it, by a mere fiscal expedient. Seven times within eighty years the Crown resold to the towns the right of electing their magistrates, and as soon as they had once more tasted this blessing it was snatched away to be sold to them once more.² "Our financial necessities," says the preamble to an edict of 1772, "compel us to have recourse to the most effectual means of relieving them." In the eighteenth century the municipal government of the towns of France had thus everywhere degenerated into a contracted oligarchy. A few families arranged all the public business

¹ *Ibid.*, Chap. XII.

² "We may well agree with the haughty old aristocrat (St. Simon), whose truthfulness has allowed the world to perceive that the so much boasted *grand siècle* of Louis XIV. was, in fact, one of the poorest, vilest, and most fatal ages the world has seen." — T. A. TROLLOPE, "Sketches from French History," p. 408.

for their own private purposes, removed from the eye of the public, and with no responsibility.¹

In Great Britain there had been steadily developed a system of local government, in towns by at least a class of citizens, in counties by authorities, lord lieutenants, sheriffs, justices, etc., which, even if they were appointed by the Crown, were much more in sympathy with their neighbors and ready to join them in opposition to the royal will. In France the same movement had been crushed in its early stages, and forcibly replaced by the system of centralization which is characteristic of her modern history.

The Marquis d'Argenson relates in his "Memoirs" that one day Law said to him, "I never could have believed what I saw when I was Comptroller of Finance. Do you know that this kingdom of France is governed by thirty Intendants? You have neither parliament, nor estates, nor governors. It is upon thirty Masters of Requests, despatched into the provinces, that their evil or their good, their fertility or their sterility, entirely depend."²

In the centre of the kingdom and close to the throne was the King's Council, whose origin was ancient, but the greater part of whose functions were of recent date. It was at once a supreme court of justice, inasmuch as it had the right to quash the judgments of all ordinary courts, and a superior administrative tribunal, inasmuch as every special jurisdiction was dependent on it in the last resort. Within its walls all important affairs were decided, and all secondary powers controlled. Everything finally came home to it; from that centre was derived the movement which set everything in motion. Yet it possessed no inherent jurisdiction of its own. The king alone decided, even when the Council appeared to advise, and even when it seemed to administer justice it consisted of no more than simple "givers of advice"—an expression used by the Parliament in one of its remonstrances. This Council was not composed of men of rank, but of personages of middling or even low extraction, all of whom were liable to dismissal by the Crown.

As the whole administration of the country was directed by a single body, so nearly the entire management of home affairs was intrusted to

¹ De Tocqueville, *op. cit.*, Book II., Chap. III. Cf. what is said of government by commissions. *post*, Chap. XXII.

² *Ibid.*, Chap. II.

the care of one single agent,—the Comptroller General. This official gradually took upon himself all the affairs that had anything to do with money, that is to say, almost the whole public administration, and he thus performed successively the duties of minister of finance, minister of the interior, minister of public works, and minister of trade. As the central administration had only one agent in Paris, so it had likewise but one single agent in each province. Nobles were still to be found in the eighteenth century bearing the titles of governors of provinces; they were the ancient and often the hereditary representatives of feudal royalty. Honors were still bestowed upon them, but they no longer had any power. The Intendant was in possession of the whole reality of government.

The Intendant was a man of humble extraction, always a stranger to the province, and a young man who had his fortune to make. He never exercised his functions by any right of election, birth, or purchase of office; he was chosen by the government among the inferior members of the Council of State, and was always subject to dismissal. All the powers which the Council itself possessed were accumulated in his hands and he exercised them all in the first instance. Like the Council, he was at once administrator and judge. He corresponded with all the ministers, and in the province was the sole agent of all the measures of the government. These powerful officers of the government were completely eclipsed by the remnants of the ancient aristocracy, and lost in the brilliancy which that body still shed around it. So that, even in their own time, they were scarcely seen, although their finger was already on everything. In society the nobles had over such men the advantages of rank, wealth, and the consideration always attached to what is ancient. In the government the nobility were immediately about the person of the prince, and formed his court, commanded the fleets, led the armies, and in short did all that most attracts the attention of contemporaries and too often of posterity. A man of high rank would have been insulted by the proposal to appoint him an Intendant. The poorest man of family would have disdained the offer. In his eyes the Intendants were the representatives of an upstart power, new men appointed to govern the middle classes and the peasantry, and, as for the rest, very sorry company. Yet, as Law said, these were the men who governed France.¹

To begin with taxation, except those which were farmed out to the financial companies by the King's Council, who fixed the terms of the contract and regulated the mode of collection, all the taxes were fixed and levied

¹ *Ibid.*

by these agents of the central administration or under their all-powerful control. The militia was the forerunner of the conscription, and is of itself a sign of the difference between the political history of Great Britain and France.

From time to time the young men in the country were made to draw lots and from among them were taken a certain number of soldiers, who were formed into militia regiments, in which they served for six years. As the militia was a comparatively modern institution, none of the ancient feudal powers meddled with it; the whole business was intrusted to the agents of the central government alone. The Council fixed the general amount of men and the share of each province. The Intendant regulated the number of men to be raised in each parish, his sub-delegate superintended the drawing of the lots, decided all cases of exemption, designated those militiamen who were allowed to remain with their families, and those who were to join the regiment, and finally delivered over the latter to the military authorities. There was no appeal except to the Intendant or the Council.¹

It may be said with equal accuracy that, except in the *pays d'état*, all public works, highways, bridges, and public buildings were decided upon and managed by the agents of the central power alone. The central government alone also undertook with the help of its agents to maintain public order in the provinces. The mounted police was dispersed in small detachments over the whole surface of the kingdom, and was everywhere placed under the control of the Intendants. It was by the help of these soldiers, and if necessary of regular troops, that the Intendant warded off any sudden danger, arrested vagabonds, repressed mendicity, and put down the riots which were continually arising from the price of corn. It never happened, as had been formerly the case, that the subjects of the Crown were called upon to aid the government in this task, except, indeed, in the towns, where there was generally a town-guard, the soldiers of which were chosen and the officers appointed by the Intendant.

Under the ancient feudal society it was the duty of the lord of the soil to succor the indigent in the interior of his domains. The last trace of this old European legislation is to be found in the Prussian code of 1795, which says, "The lord of the soil must see that the indigent peasants receive an education. It is his duty to provide means of subsistence to those of his vassals who possess no land, so far as he is able. If any of them fall into want, he must come to their assistance." But no law of the kind had existed in France for a long time. The lord when deprived of his former power considered himself liberated from his former obligations, and no local authority, no council,

¹ De Tocqueville, *op. cit.*, Book II., Chap. II.

no provincial or parochial association had taken his place. No single being was any longer compelled by law to take care of the poor in the rural districts, and the central government had boldly undertaken to provide for their wants by its own resources.

Every year the Council assigned to each province certain funds from the general produce of the taxes, which the Intendant distributed for the relief of the poor in the different parishes. It was to him that the indigent laborer had to apply, and in times of scarcity it was he who caused corn or rice to be distributed among the people. The Council annually issued ordinances for the establishment of charitable workshops, where the poorer among the peasantry were enabled to find work at low wages, and the Council took it upon itself to determine the places where these were necessary. It may easily be supposed that alms thus bestowed from a distance were indiscriminate, capricious, and always very inadequate. The central government, moreover, did not confine itself to relieving the peasantry in time of distress; it also undertook to teach them the art of enriching themselves, encouraged them in this task, and forced them to it if necessary. For this purpose from time to time it caused distributions of small pamphlets upon the science of agriculture to be made by its Intendants, founded schools of agriculture, offered prizes, and kept up at great expense nursery grounds, of which it distributed the produce. Sometimes the Council insisted upon compelling individuals to prosper, whether they would or no. The ordinances constraining artisans to use certain methods and to manufacture certain articles are innumerable. Some of the decrees of the Council even prohibited the cultivation of certain crops, which the Council did not consider proper for the purpose; whilst others ordered the destruction of such vines as had been, according to its opinion, planted in an unfavorable soil.¹

All classes looked to the Intendant as the dispenser of favors.

Even the nobles were often very importunate solicitants: the only mark of their condition is the lofty tone in which they begged. Their quota of the tax of twentieths was fixed every year by the Council upon the report of the Intendant, and to him they addressed themselves in order to obtain delays and remissions. I have read a host of petitions of this nature made by nobles, nearly all men of title, and often of very high rank. Sometimes pride and poverty were drolly mixed in these petitions. One of the nobles wrote to the Intendant, "Your feeling heart will never consent to see the father of a family of my rank strictly taxed by twentieths, like a father of the lower classes."²

¹ *Ibid.*

² *Ibid.*, Chap. VI.

Not only had the nobility as a class lost political power,¹ but for several centuries they had grown gradually poorer and poorer.

Spite of its privileges the nobility is ruined and wasted day by day, and the middle classes get possession of the large fortunes," wrote a nobleman in a melancholy strain in 1755. "In this district," says an Intendant at the beginning of the century, "the number of noble families still amounts to several thousands, but there are not fifteen amongst them who have twenty thousand livres a year." I find in some minutes addressed by another Intendant (of Franche-Comté) to his successor in 1750: "The nobility of this part of the country is pretty good but extremely poor, and as proud as it is poor. It is greatly humbled compared to what it used to be. It is not bad policy to keep the nobles in this state of poverty in order to compel them to serve, and to stand in need of our assistance."²

All those nobles who could afford it were either hangers-on of the Court in Paris or Versailles, or sought posts abroad in diplomacy or military service.

A few words must be said as to the relations of Church and State. The sixteenth century was the time of the greatest impulse of the Reformation, in which it made greater conquests than it has ever made since. In England it took the form of a schism, in which the king renounced the supremacy of the Pope and made himself the head of the Church. In appearance this greatly increased the power of the Crown, but in fact it was not so. In his conflict with the Pope, who wielded the still terrible weapon of excommunication, Henry VIII. needed the support of his subjects and was in no condition to be too strict with them. Moreover, although he broke up and confiscated the property of the monasteries, he was compelled to distribute this largely among his nobles and followers, thereby greatly increasing their power and tenacity of resistance to the royal will.

¹ No ten noblemen could meet to deliberate together on any matter without the express permission of the king. — De Tocqueville, Book II., Chap. XI.

² *Ibid.*, Chap. VIII.

During the short reign of Mary the papal religion was completely reëstablished, probably with the entire approval of a large portion, if not a majority, of the nation, for whom the progress of the Reformation doctrines had been too precipitate. All the laws made against the supremacy of the see of Rome since the twentieth year of Henry VIII. were formally repealed; but it was found impossible to restore the ecclesiastical property in the hands of subjects.¹

In the long reign of Elizabeth Protestantism became so firmly established that the Stuarts were powerless against it, and in the struggles against Charles I., Charles II. and James II. religious liberty lent its powerful aid to political. The breaking up of the monasteries removed a foreign and corporate influence outside of the nation, upon which followed the discontinuance of enforced celibacy through the attitude of the new head of the Church. And thus was established the parish system, which is the basis of English local government to-day.

In its early beginning the Reformation probably made as much progress in France as in any other country, and the Calvinist doctrines spread with great rapidity. But the other circumstances, which increased the power of the Crown and depressed all other classes, lent their aid to, and were aided by, the authority of the Church. After a fierce contest, culminating in the massacre of St. Bartholomew, the Huguenots obtained from Henry IV., in 1598, the Edict of Nantes, which made an approach to placing the churches on a footing of equality; but it is significant that that monarch found himself obliged to renounce his own religion and embrace the Roman Catholic. His well-known saying that "*Paris vaut bien une messe*," was merely a concrete statement of the fact that the royal and papal supremacy were inextricably bound up together. The tide began at once to set against the Protestants. Richelieu was enough of a statesman not to crush out entirely so available a power, but the climax

¹ Taswell-Langmead. *op. cit.* p. 438.

came under Louis XIV. When the king began to feel the approach of age, and the failure at once of his ambitious schemes and of his passions turned his mind towards devotion, he undertook to atone for his own sins by punishing those of other people, and under the sinister influence of Madame de Maintenon attempted to crush out the last sparks of religious liberty. The mention of the *dragonnades* is enough to characterize the proceedings of the close of his reign, and the Reign of Terror, a hundred years later, finds ample explanation, if not justification, in the Revocation, in 1685, of the Edict of Nantes. The number of Huguenots, the flower of the nation, who left the country is estimated at three hundred thousand to five hundred thousand, and they formed a valuable addition, of which the traces still exist, to the population of the Palatinate, Brandenburg, Switzerland, Holland, and England. The remainder of the nation was handed over to the intellectual despotism, to speak mildly, of the Romish Church, the higher ecclesiastics, like the nobles, being separated from the masses of the people by exemption from taxation.¹

We have now reached the brink of that tremendous vortex which was to sweep away for a time nearly all the institutions of old France, and many of them permanently. Perhaps the most general feeling throughout the

¹ In all the history of France there is no more important or more interesting period than that comprised in the last twenty years of the reign of Louis XIV. and the eight years of the regency which followed it. For it was during those years that the Revolution was prepared for and rendered inevitable. During those years the bark of the State was gliding down the current, ever approaching more and more rapidly the fated Niagara in front. During these years—or at all events during the earlier portion of them—it might have been possible for human wisdom and worth to have directed the onward course of French society to other issues. After the close of that period it was too late. The reign of Louis XV. was but a doomed rush onwards to the raging cataract. — T. A. TROLLOPE, “Sketches from French History,” p. 402.

civilized world with regard to French history in the nineteenth century is that it is a chaos of revolutions, one government after another being set up and pulled down in obedience to the fluctuating impulse of a mob. It may well be maintained, as against this view, that nowhere in history is visible a more logical and consistent operation of cause and effect, the whole forming a struggle to solve the problem, which indeed underlies all the history of popular government, how to establish an executive strong enough to govern, and yet not strong enough to abuse its power. The parallelism between the modern history of England and France is of itself sufficient to indicate that the underlying principles are the same. The comparison between Strafford and Laud, on the one hand, and Richelieu and Mazarin, on the other, has been already noticed, and the reasons why the Frenchmen succeeded where the Englishmen failed. Charles I. summoned the Long Parliament, after an interval of thirteen years, from financial necessity, just as Louis XVI. did the States-General after a much longer interval. The Long Parliament resulted in a Convention which beheaded the king, just as the National Assembly in France led up to the Convention which beheaded Louis XVI. with the addition of the queen, who of the two perhaps deserved it most. The anarchy into which the Parliament fell after the death of Charles I. brought the country under the despotism of Cromwell, just as a similar course of events threw France into the hands of Napoleon. The death of Cromwell was followed by the restoration of the Stuarts, and the political death of Napoleon by the restoration of the Bourbons. It may seem fanciful to compare the characters of Louis XVIII. and Charles X. with those of Charles II. and James II., but from a political point of view they were not unlike. At all events, the English revolution of 1688. which

changed the succession and placed the crown, by act of Parliament, on the head of William III., had its close parallel in that of July, 1830, which transferred the throne to Louis Philippe. In fact, the French statesmen of the latter time professedly took the English events of 1688 as their model. Here, however, the parallel ceases. The political training and traditions which enabled the English to work out the system of cabinet government were wholly wanting in France. How the traditions which they did have and the crushing weight of irresponsible despotism operated upon the events since 1789, it will be our task to examine in the next chapters.

CHAPTER VIII

THE FRENCH REVOLUTION

SELDOM has there occurred an event of such momentous political significance to the world as the assemblage of the States-General at Versailles on May 5, 1789. As usual with revolutions the precipitating cause was finance. After Calonne had tried the experiment of stimulating national prosperity by extravagant expenditure, and this, coming upon the demands of the American war, had so swelled the national debt that further borrowing was impossible, resort was had to a Convocation of the Notables or privileged classes of the nobles and clergy. This expedient failed from the comprehensive objection of these classes to surrender their exemption from taxation.¹ The time had passed when, as was done by the English Parliament, and might have been done by the States-General four hundred years before, a grant of supplies could be made to the Crown in return for large political concessions on behalf of the national interest. It was not that public spirit was wanting. The events of the night of August 4 following, when a clean sweep was made of all feudal privileges and exemptions, showed that the material was available for one side of the bargain. The failure was in the practice of acting together for a common object, which had been

¹ A contemporary cartoon wittily described the situation. A rustic (Calonne) has assembled his poultry to ask them with what sauce they will be cooked. A bird replies, "We don't want to be cooked." To this the rustic answers, "You are wandering from the question."—J. E. SYMES, "The French Revolution."

destroyed during the centuries when the royal power was nursing the growth of natural distrust and suspicion; in the corporate spirit which could feel that the highest interest of each lay in acting for the general good; in that feeling of confidence in each other which makes soldiers stand fast in their ranks in battle.

The attempt to extract money from the Notables having failed, the next recourse was to the States-General. This body had not met since 1614, and in 1614 the representation of the Third Estate had been a mere farce. It was evident, however, that if a grant of money was the object, the only hope was in admitting the deputies of the commons, and to make this of any use they must be equal in number to those of the nobles and the clergy combined. But again it followed that, if the three houses were to vote separately, the nobles and the clergy could reject every reform and retain every privilege. By the advice of Necker, the double representation of the commons was granted, but the other question, which alone rendered it of value, whether there should be one house or three, was left undecided to bear evil fruit.

The *cahiers*, or letters of instruction given to the deputies, have of late years been studied in detail. They were mostly drawn up by men of local reputation, lawyers, notaries, and the like, and appear to have been fairly temperate statements of grievances, while the deputies who brought them seem to have been a body as respectable and well intentioned as any British House of Commons of the time. But they had no leaders or authorized guides, no prearranged policy or programme. Everything was new to them and to France.

When the twelve hundred men came together at Versailles, the nobles and clergy refused to sit with the commons. The commons, on the other hand, declared that they and those who chose to sit with them were the

National Assembly. The government, being at last obliged to decide, took sides with the privileged class. The commons found the doors of the Assembly closed to them, and, adjourning to the tennis court, took the famous oath not to separate till they had given France a new constitution. For more than seven weeks this dangerous question stood open, the two bodies regarding each other in sullen defiance, and with exasperation steadily rising in Paris and through the country. At length, on the 24th of June, 149 of the lesser clergy joined the commons, and the rest of the dissidents gave way soon after. But the concession was only temporary. Troops were brought together to overawe the Assembly. On the 11th of July Necker and the more moderate ministers were dismissed. Three days later the reply to this came in the taking of the Bastille by the mob.

At this point a recurrence suggests itself to the history of the Long Parliament in England. That body had the advantage of two centuries of parliamentary experience, and contained men from the landed gentry and others who might be supposed to wield influence. Yet within twelve years it was swept away by the military despotism of an unknown soldier. The lesson in both cases is the same, — the impossibility of government by a legislature. England in half a century worked out the beginning of the executive power which has been described, strong enough to govern, but not strong enough to destroy the national liberties. France has for a century oscillated between anarchy and despotism without having yet attained to any such result. Is it because her people are Frenchmen or is there not ample explanation in her previous history? Does it follow from this experience of a hundred years that democracy is a failure?

Another comparison arises with the Convention which assembled in Philadelphia two years before and framed

the Constitution of the United States, which went into operation in the same year that the States-General came together. That Convention consisted of fifty-five members,¹ delegates of a primitive, simple, and scattered population, among whom there were none very rich and few very poor, and who had derived from their old Saxon ancestry, through the centuries of English history, those habits of self-government and organized public work which are assumed to be the exclusive characteristics of race. The Convention had neither to dread an armed invasion of royal power, the intrigues and spiritual weapons of an alien and wealthy church, nor the violence of a turbulent and starving mob. It was an opportunity such as had never been seen in the world. For four months they sat with closed doors in that quiet Quaker city, steadily and deliberately working away at a legal instrument under the presidency and the guidance of a man who, by the successful conduct of a seven years' war against Great Britain, had acquired a position almost royal in its influence, but who was animated by the purest and most disinterested patriotism and the loftiest principles of devotion to duty.

The members of the Convention had before them the examples of the state constitutions. New Hampshire, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North and South Carolina, had adopted constitutions in 1776; Vermont, New York, and Georgia in 1777, and Massachusetts in 1780. The members had the benefit also of English parliamentary history, embodying the experience and the traditions of their own race. They may be described as trained workmen, supplied with practical and efficient tools. This by no means detracts from

¹ Total number of delegates elected, 65. Never attended the Convention, 10. Attended but did not sign the constitution, 16. Number of signers, 39. — ELIOT'S "Debates."

the merit of their work, but it precludes judgment of others who acted under far less favorable circumstances. At Versailles there was assembled what was in itself a mob of twelve hundred men, of whom one half had to attack and the other half to defend class privileges at once of enormous value and the most odious injustice. There were no habits or traditions of self-government, whether local or general, of organizing in public meetings or for public work, or even of debate.¹ The only approach to

¹ In his introduction to the "Orators of the French Revolution" Mr. H. Morse Stephens has pointed out that the models of oratory in France for the two centuries preceding the Revolution, "were clerical, legal, and academical, and that political oratory was conspicuous by its absence. This was due to the policy inaugurated by Richelieu, and carried out by Mazarin and Louis XIV., of preventing all public discussion of political matters, and to the fact that after 1613 no free assembly met in which public affairs could be debated. The Parlement of Paris, after its short-lived attempt to imitate an English Parliament during the period of the Fronde, was forced back into its place as a purely judicial body by Louis XIV., and all subsequent attempts of the parlements of France to interfere in politics were promptly repressed. The great ministers of Louis XIV., Louis XV., and Louis XVI. were all men of deeds, not words. Mazarin, Colbert, and Louvois were as poor speakers as Choiseul, Turgot, and Necker; and since there was no necessity for ministers to defend their measures in public, and no place or opportunity for their opponents to criticise them, it naturally followed that there was no need for the statesmen of the seventeenth and eighteenth centuries to be orators. To the priest, lawyer, and man of letters the gift of eloquence was a sure title to success and it was therefore cultivated by them; but to the politician or official it was of no importance whatever. After the meeting of the States-General in 1789, however, the value of political oratory entirely changed and the possession of political eloquence and debating power opened the way to reputation. From the one extreme the French nation rushed to the other, and instead of eloquence exerting no influence on the course of public affairs it soon became too predominant."

Yet he observes that the speeches still preserved for the most part have the character of written essays, and were spoken from the tribune and not from the speaker's place in debate. The following quotation also illustrates what has been said of the manner in which the political development of France has been modified by her history as compared with that of England:—

"Yet it is hardly fair to speak of political oratory as absolutely beginning in France with the Revolution, for there had been States-Generals

leadership was in the Marquis de Mirabeau, a nobleman of dissolute and irregular life which had broken his physical constitution, reckless in expenditure and overwhelmed with debt, and who consented to receive secret pay from the court. Yet his statesmanlike instinct and force of character brought him to the front and gave promise of

before, and in them great affairs of State and of public policy had been eloquently discussed. It is impossible to resist the temptation of recalling the memory of that grand character of the sixteenth century, the Chancellor Michel de L'Hôpital, though there is no trace of his influence in the speeches of Mirabeau and Danton, who resembled him alike in their temperament and in the character of their oratory. There are passages in his speeches which might well have been spoken by them, and which have their exact counterpart again and again in the speeches of the greatest Revolutionary orators."

Compare the effect upon political oratory in the United States of the methods of procedure in Congress and the state legislatures, *post*, Chaps. XVII., XVIII., XXII.

Another quotation which Mr. Stephens makes from Sir Samuel Romilly is of force in the same direction.

"Some months after I had returned from Paris," writes Sir Samuel in 1789, "I received a letter from the Count de Sarsfield requesting me to send him some book which stated the rules and orders of proceeding in the English House of Commons. He thought it would be extremely useful to assist the States-General in regulating their debates and their modes of transacting business. There was no such book, and I could send him nothing that would answer his purpose. There was nothing to be done but to draw up a statement of the rules of the House of Commons myself, and I very cheerfully set about it, though it was likely to occupy a good deal of my time. When it was as complete as I could make it, I sent it to the Count de Sarsfield. He received it most thankfully and set about translating it into French. He died, however, before he had advanced far with the work, and from his hands the papers passed into those of Mirabeau. Mirabeau, fully sensible of the importance of the work, with all expedition translated and published it. It never, however, was of the smallest use, and no regard whatever was paid to it by the National Assembly. It met, having to form its own rules and mode of proceeding. The leading members were little disposed to borrow anything from England. They did not adopt these rules, and they hardly observed any others. Much of the violence which prevailed in the Assembly would have been allayed and many rash measures unquestionably prevented if their proceedings had been conducted with order and regularity."

And Mr. Stephens observes, "The noisy behavior of the deputies, who had not been trained to sit in deliberative assemblies, and the interfer-

future results, which was cut short by early death. This large body of men, disorganized, without leaders or rules or concert of action, was exposed to forces which would have been sufficient to crush any deliberative assembly that ever met in the world. First, there was the king and the court. Louis XVI. was chiefly distinguished from his predecessor, Louis XV., by the respectability of his private character, as a good husband and father, and as desiring in a general way the welfare of his people. But he disliked governing, his chief interest was in hunting, and he appears to have been a shy, awkward, and rather stupid man. Very different was the queen, a young, ambitious, and beautiful woman, given up to the pleasures of court life, without a nerve of sympathy for the reforming spirit of the time, and anxious only for the intervention of foreign powers to suppress disorders, of which the only meaning was for her that they interfered with the ordinary current of affairs. Thus the royal power, to which the nation had been accustomed for two centuries to look as the guiding force of government, was completely at fault, either for the maintenance of the old order of things or the acceptance of the new. Of the court nobles a large part began early to leave the country,¹ and continued to raise outcries and conspiracies along the frontiers. Those who remained were urging the king to violence against the Assembly and joining the queen to bring about an invasion by foreign powers. If this was the case on the upper side the difficulty was even

ence of the casual spectators and visitors, helped to bring about a state of confusion which was subversive of any chance of earnest debating, and which could only be quieted by the reading of an important report or of a carefully prepared speech."

¹ In the summer of 1789 "six thousand passports are issued within two months. Then no more are to be granted except on a medical certificate. But doctors are obliging and medical certificates flow in." — J. E. SYMES, *op. cit.*, Chap. V.

greater from the lower. The Assembly sat at first near and afterwards in one of the largest cities with one of the fiercest and most turbulent populations in Europe. At a time when only the strongest executive power could have kept order, there was no executive power at all. The flight of so many wealthy members of the community had greatly increased the suffering and exasperation. The whole country was looking to Paris and Versailles for relief and guidance. When the answer came in the quarrels of the three orders, the taking of the Bastille, the abolition of feudal rights and traditions on the 4th of August, and the forced return of the king on October 6, there could be little wonder that the bonds of authority were broken.

If these were the circumstances under which the Assembly did its work, what was the character of that work? The Federal Convention at Philadelphia had nothing to do with nearly all of the most important and difficult problems of social and civil life. Those were and continued to be regulated by the state governments. What the Convention had to do was to devise some scheme by which the states could live and work together in union. It is not in any way underrating the wonderful success of their work to say that it was as child's play compared with that required of the National Assembly in France.

First, there was the question of local government. The central administrative power was too much dislocated to admit of the continuance of government by intendants, besides which the whole tendency of the eighteenth-century ideas was towards self-government. Therefore the Assembly proceeded to divide the country into departments, districts, and communes, all governed by elected officials. It established also innumerable officials and small councils to act as a check upon each other, and the result was a terrible confusion of powers everywhere.

The voter creates all local powers, intermediary, central, legislative, administrative, ecclesiastical, and judicial.¹

To meet the requirements of election alone, M. Taine estimates that two full days in every week would have to be given by every citizen. The disastrous effects were nowhere so visible as in Paris.

Secondly, there was the immense question of the Church. There were in France one hundred and thirty thousand ecclesiastics holding one-fifth of the soil of the country, though in vastly differing proportions. The total value was estimated at eight hundred millions of our dollars.² The problem was much like that which presented itself in England under Henry VIII. But that which was possible with the strong executive power of a despotic monarch acting through organized machinery, and establishing a new State Church of which he was the head, became impossible with a body of twelve hundred men, of whom nearly one-half were opposed to the change, where there was no executive power at all, and no possible ecclesiastical substitute to satisfy the religious wants of the people.

It is difficult on any ground, except that of expediency, to defend the earlier Reformation movement in England and yet to condemn the ecclesiastical legislation of the Assembly. But the event proved that in the former case the government was strong enough to introduce the new system, in spite of some formidable riots; while in the latter the changes led ultimately to civil war and divided French society into two hostile camps, with a division that was to last for a hundred years between the Church and the Revolution.

This deplorable result was partly due to a resolution of the Assembly requiring all the clergy to take an oath of loyalty to the new constitution. In England the Tudor rulers were wise enough not to hurry matters in this way. They tendered a similar oath to the chief officers of the Church, but they left ordinary parsons to adapt themselves to the new system, so long as they did not openly attack it. If

¹ Taine, "French Revolution," Book II., Chap. III.

² *Idem*, "Ancien Régime."

the French Assembly had shown equal prudence, it is possible that the storm would have blown over.

Many of the priests were peasants by birth, and sympathized at heart with most of the revolutionary changes that were taking place. They had shown their sympathies in the early days of the States-General in spite of pressure from their superiors. They would many of them gladly have remained neutral. But they were now called on, under pain of dismissal, publicly and formally to accept a system condemned by the Pope and the church authorities. About one-third of them complied. Many hesitated; but in the end a large majority refused. They were expelled from their cures and naturally became centres of reactionary agitation. Their places were only filled with difficulty, and largely by men of bad character. Pious Catholics naturally resented the change and would not accept the ministration of those whom they regarded as schismatics. There was bloodshed in many parts of France: and even when some sort of order was restored, the rival parties were ready to fly at one another's throats at the earliest opportunity. Thus the ecclesiastical legislation of the Assembly paved the way for the later civil war, and especially the terrible rising of *la Vendée*.¹

Yet the folly and the severity of the action of the Assembly were certainly less than those of Louis XIV. in relation to the Huguenots.

A third question was that of finance. It was impending bankruptcy which caused the States-General to be called together, but they did not help the matter. Not only was all power of borrowing gone, but taxation failed. Not only was the system of taxation changed, but the collecting power was gone. A single quotation from M. Taine will illustrate the whole state of the finances throughout France.

In certain regions, of the land tax of 1791 there had been secured, on January 30, 1792, only 152,000,000 francs, there being still 222,000,000 to collect, and on the 1st of February, 1793, there remained 160,000,000; while of the 50,000,000 assessed in 1790 to replace the salt tax and other duties, only 2,000,000 have been collected. Out of the two direct taxes of 1792, which should produce 300,000,000, less than 4,000,000 have been received.²

¹ J. E. Symes, *op. cit.*, Chap. VI.

² Taine, "French Revolution," Book III., Chap. II.

The resort to *assignats*, or inconvertible paper money, was almost, if not quite, a necessity. There had fallen into the national treasury the equivalent of \$800,000,000 in church lands and half as much more in the confiscated property of the nobles. The property could not be sold because there was no money to buy it with. In the hands of an English chancellor of the exchequer, with concentrated executive authority and the employment of a judicious mixture of funding with currency, the worst evils might have been perhaps averted. But it is one of those subjects on which an undisciplined assembly, without authoritative guides, was certain to come to shipwreck.

Still another difficulty was in socialism, though the word had not come into such current use as in our own time. In the terrible distress which prevailed throughout the country the Assembly encouraged municipalities to set up workshops for the unemployed; and they purchased immense quantities of grain, which they sold below cost price, with the result of attracting crowds of vagrants to the large towns. Yet the problem was not of their making, and it was hardly possible to avoid dealing with it in some way. The Assembly, however, was far from being democratic. While Louis XVI., in summoning the States-General, had resorted to universal suffrage, the Assembly, by its suffrage requirement of the payment of taxes equal to three days' labor, and for holding office of taxes equal to a mark of silver, as well as by its secondary elections, disfranchised even comparatively wealthy workmen and carefully restricted all offices to the *bourgeois*.¹

Two great political mistakes the Assembly clearly made, the first being the exclusion of the king's ministers from the Assembly. Mirabeau saw this clearly.

¹ H. Morse Stephens, "French Revolution," Vol. I., Chap. IX.

Early in October, 1789, Mirabeau was requested on behalf of Monsieur le Comte de Provence to draw up a memoir as to what course the king had better pursue in such an emergency. He began by saying that, while all which the Assembly had done must be ratified, the initiative in future in framing the new constitution must come from the king and not from the irresponsible talkers in the Assembly. He then proceeds to show that the only way in which the king can manage the Assembly and thus direct the formation of the new constitution is to select a responsible ministry from the leading members of the Assembly, who, being both servants of the king and representatives of the people, could, after the fashion of our English ministry, try to strike out a practical form of government, which would at once satisfy the people and preserve the efficiency of the executive. It was possible that the king and the present Assembly might be able to act together. To do so, the first thing was to form a responsible ministry from among the leaders of the Assembly. But the whole scheme was far too vast for the mind of the poor king, which, as Monsieur said upon this occasion, could no more grasp such a collection of ideas than oiled billiard balls could be held together.¹

Mr. Stephens thinks that the scheme might yet have succeeded by the aid of the queen, but a report of it got abroad and it was defeated by the jealousy of the Assembly, with the cry that the new ministry would obtain a powerful sway over the Assembly and there would be an end of the new constitution.

The Decree of November 7, by which it was declared illegal for any member of the Assembly to take office under the Crown while he held his seat, or for six months after his resignation, gives another instance of the incompetency of the Assembly.

And Mr. Stephens adds :—

Indeed, the mistake they made was so obvious that it is hardly necessary to dwell upon it, and it strikes the keynote of the consistent policy of the Assembly to divorce the executive from the legislative power, and then to make all harmony between them impossible. The secret of good government is to maintain the two powers in harmony, while in all matters of administration the executive can act on its own responsibility, and the legislature does not interfere in every small administrative detail.²

¹ H. Morse Stephens, *op. cit.*, Vol. I., Chap. VIII.

² *Ibid.*

In fact, it was much less a mistake or a proof of the incompetency of the Assembly, than of the grasping ambition of a legislature which wishes to absorb all power and is jealous of the executive and of leadership of any kind. On precisely the same principle the first Congress of the United States rejected Alexander Hamilton's proposal to make an oral exposition of the state of finances, and by its vote excluded the members of the Cabinet from any share in its deliberations to this day. In the absence of any positive voice of the executive with regard to legislation, the Assembly granted to the king a limited veto upon its measures, which worked as badly as such an illogical institution always must work ; that is, it served only to exasperate the Assembly by blocking the result of its deliberations, even though that body might have accepted the same reasoning if brought to bear in advance.¹

¹ Constituent Assembly after August 4, 1789. They debated lengthily whether the future representative assembly of France should consist of one or two chambers, and whether the king should have power to veto its acts. The first question was decided in favor of a single chamber, more because the English Constitution sanctioned two chambers, and the deputies feared to be thought imitators, than for any logical reason. And the debate on the second question terminated in the grant to the king of a suspensive veto for six months, in spite of the eloquence of Mirabeau, who saw that a monarchical constitution, which gave to the king no more power than the President of the United States of America, would prove unworkable, because it would divorce responsibility from real authority, leaving the former to the king and the latter to the legislature.—*Idem*, "European History, 1789-1815," Vol. I., p. 61.

The king, under the new constitution, was left powerless. He was to be the first functionary of the State, nothing more. The ministers were invested with supreme executive authority, but more regulations were made to insure their responsibility and limit their actual power than to define their functions. They were to be answerable to the legislature in which they were not allowed to sit, and their measures were to be criticised by an irresponsible representative assembly. Under such regulation the king and his ministers, that is, the executive, were put in a position of inferiority which no vigorous man could be expected to accept. to the inevitable derangement of the whole administrative machine.—

The second mistake of the Assembly was the self-denying ordinance carried by Robespierre on the 7th of May, 1791, by which all deputies sitting in the Constituent Assembly were declared ineligible for seats in the succeeding legislature.

In the month of June, 1791, there still remained in the Assembly about seven hundred members, who, adhering to the constitution but determined to repress disorder, would have formed a sensible legislature had they been reëlected. With the executive instrument in their hands for three months they see that it is racked, that things are tottering, and that they themselves are being run over by fanatics and the populace. They accordingly attempt to put on a drag, and several even think of retracing their steps. The Jacobins, however, have foreseen this danger. With the aid of the court, which never missed an opportunity to ruin itself and everything else, they made the most of the rancors of the "Right" and the lassitude of the Assembly; fatigued and disgusted, in a fit of mistaken disinterestedness, the Assembly, through impulse and taken by surprise, passes an act declaring all its members ineligible for election to the following Assembly, which is tantamount to the displacement in advance of the staff of honest men.¹

Again we are reminded of the self-denying ordinance, by which under the impulse of Cromwell and his followers the Long Parliament in England aimed to get rid of the generals commanding the army. Both instances show how an incoherent legislature is at the mercy of a small but violent faction.

Ibid., p. 70. Compare *post*, Chap. XVI. In some respects the Polish Constitution accepted by the Diet of Warsaw, May 3, 1791, compared favorably with that of France drawn up at this time. It created a regular government, conferring the legislative power on the king, the Senate, and an elected chamber, and the executive power on the king, aided by six ministers responsible to the legislature. If it does not proclaim so formally the liberty of man, it at any rate is free from the lamentable fear of the power of the executive which vitiated the work of the French reformers. France feared its executive after a long course of despotic monarchy; Poland felt the need of a strong executive after a long history of anarchy. — H. MORSE STEPHENS, *op. cit.*, p. 104.

¹ Taine, "French Revolution," Book IV., Chap. III.

It took the Assembly twenty-three months to draw up a constitution (August, 1789, to September, 1791), and during the interval there was a sort of makeshift government, chaotic, inefficient, a mixture of old institutions nominally abolished and new ones not yet legalized. The Assembly had grasped the supreme power, but had little means of wielding it.

Yet with all its faults its work in many respects had been well done. Trial by jury, religious toleration, the abolition of privileges, freedom of trade within the country, were given by it to France.¹

Many of the principles afterwards embodied in the Code Napoleon had been worked out by its committees. Its members should have credit for

their real longing to try to contrive such a mode of government as would give to every Frenchman some interest both in local and imperial affairs; their desire that equal justice should be meted out to every man both rich and poor; their wish that birth and wealth should not be the only passports to political power; their earnest hope that the new state of France should be something better than the old; their belief that men were not made to be governed but to govern themselves, and that if France was to be made happy, great, and prosperous, it could only be so because every Frenchman was himself fairly governed and justly taxed, and could feel himself to be an important unit in his fatherland.²

It is true that the deputies had so weakened executive power as to render it useless for purposes of government; true that they were possessed by a mania for election; true that they failed to recognize the power of religion as represented by the Church of Rome, and that they had no respect for international law. Yet it must be remembered that men are not born statesmen, and Englishmen who know that the English Constitution has slowly grown from a series of precedents should not be hasty in condemning the earnest efforts of inexperienced politicians who strove their best for two years to draw up a constitution which should insure to Frenchmen the priceless boon of political liberty and personal freedom, which Englishmen had then enjoyed for a century.³

With the advent of the Legislative Assembly in October, 1791, began the rapid descent to anarchy, the violence of faction and its consequent result, military despotism.

¹ Symes, *op. cit.*, pp. 40, 57.

² H. Morse Stephens, "French Revolution," Vol. I., Chap. IX., p. 290.

³ *Ibid.*, Chap. XV., p. 469.

Throughout the whole confused struggle, the lesson taught is of the simplest: that the only indispensable part of any government is the executive. Unless that is strong enough to maintain order under all circumstances, conservatism and reform are alike impossible. The social fabric becomes dissolved, the worst and most violent elements get the upper hand, and the better and more peaceable majority, after vain efforts to protect themselves by combination and union, become discouraged and apathetic, and finding their affairs proceed from bad to worse have recourse, as the least of two evils, to the strong hand of a despot.

It has been remarked that one very great cause for the peaceful state of France in 1791 is to be found in the establishment of the new local authorities which at first worked well. All the ablest men in the country were seized by a passion for taking part in public affairs, and there was therefore no difficulty in getting the best men — men really longing to do all in their power to make France free, contented, and happy — to hold public office. The order in which the new local institutions came into legal operation was, first, the establishment of new municipalities, then the authorities of the new districts and departments, and lastly the new law courts. The delightful and novel sensation of electing their authorities gave extraordinary interest to these first elections, and the new municipalities invariably included the real notables of the commune, while the chief fault to be found with them was their over-officiousness. Next in order to the municipalities, the councils general, directories, procureurs syndic, and procureurs general syndic were elected over France in April, 1790, and for these places and offices also the best men were generally chosen by the electors. Finally, in December, 1790, the judges of the new tribunals and the new justices of the peace were elected and in most instances the ablest lawyers were elected for the important posts and competent lawyers for those of less importance.¹

With the jealousies, the confusion, and the want of steadying force among all these jarring authorities, it was impossible that this should last. The voters very early became wearied with the demands upon their time, from

¹ Stephens, *op. cit.*, Vol. I., Chap. XVI., pp. 501, 502.

the numerous and frequent elections.¹ With small primary meetings, whether in France or the United States, the result is almost inevitable that a still smaller and violent faction, organized and under the direct stimulus of personal power and profit, will always overcome the well-disposed majority, bound together only by the comparatively feeble motive of the general public good. The instrument for carrying out this work in France was the famous Jacobin club.

This club had its origin in the association of "The Friends of the Constitution" which was formed before the Revolution. At the Assembly of the States-General in Brittany, in April, 1789, certain members pointed out the necessity of acting in concert, and as soon as they arrived in Versailles their deputies, joining with others, hired a hall and formed a union which was destined to last. Up to the 6th

¹ At Chartres, in May, 1790, 1447 out of 1550 voters do not attend the preliminary meetings. At Besançon, in January, 1790, on the election of mayor and municipal officers, 2141 out of 3200 registered electors are recorded as absent from the polls, and 2900 in the following month of November. At Grenoble, in August and November of this year, out of 2500 registered voters, more than 2000 are noted as absent. At Limoges, out of about the same number, there were only 150 voters. At Paris, out of 81,400 electors in August, 1790, 67,200 do not vote, and three months later the number of absentees is 71,408. Petion is elected Mayor of Paris by 6728 out of 10,632 voting. Manuel is elected Attorney of the Commune by 3770, out of 5311 voting. Primary meeting of June 13, 1791, canton of Béze (Côte-d'Or): out of 460 active citizens, 157 are present, and, on the final ballot, 58. Lozère: 1000 citizens at most, out of 25,000, voted at the primary meetings. At St. Chely, capital of the district, a few armed ruffians succeed in forming the primary meeting, and in substituting their own election for that of eight parishes, whose frightened citizens withdrew from it. At Langogne, chief town of the canton and district, out of more than 400 active citizens, 22 or 23 at most — just what one would suppose them to be when their presence drove away the rest — alone formed the meeting. In the election of deputies the case is the same. In Paris, in 1791, only 7000 voters are found at the election of the electors who elect deputies to the legislature, while out of 946 electors chosen, only 200 are found to give their suffrage; at Rouen, out of 700 there are but 160, and, on the last day of the ballot, only 60. In short, "in all the departments," says an orator of the tribune, "scarcely one out of five electors of the second degree discharges his duty." — TAINE, *op. cit.*, Book IV., Chap. II.

of October none but deputies were comprised in it; after that date, on removing to Paris, in the library of the Jacobins, a convent in the Rue St. Honoré, many well-known, eminent men were admitted, including authors and artists, the whole amounting to about a thousand notable personages. No assemblage could be more imposing — two or three hundred deputies are on its benches, while its rules and by-laws seem specially designed to gather a superior body of men. Candidates for admission were proposed by ten members, and afterwards voted on by ballot. To be present at one of its meetings required a card of admission. On one occasion a member of the committee of two, appointed to verify these cards, happens to be the young Duke of Chartres. Seen from afar, no society seems worthier of directing public opinion; near by, the case is different.¹

Meantime the radical Jacobins were extending their power throughout France. A club had been established in Marseilles in 1789. Each large town had one within the first six months of 1790: Aix in February, Montpellier in March, Nismes in April, Lyons in May, and Bordeaux in June. Within a month after the Federation festival, sixty of these associations are in operation; three months later one hundred; in March, 1791, 229, and in August, 1791, nearly four hundred. After this date two causes gave a fresh stimulus. On the one hand, at the end of July, 1791, all moderate men, the friends of law and order, who still hold the clubs in check, all constitutionalists, or Feuillants, withdraw from them and leave them to the ultraism or triviality of the *motionnaires*. On the other hand, a convocation of the electoral body is held at the same date for the election of the new National Assembly and for the renewal of local governments; the prey being in sight hunting parties are everywhere formed to capture it. In two months six hundred new clubs spring up; by the end of September they amount to one thousand, and in June, 1792, to twelve hundred — as many as there are towns and walled boroughs. On the fall of the throne and at the panic caused by the Prussian invasion, during a period of anarchy which equalled that of July, 1789, there were, according to Roederer, almost as many clubs as there were communes, — twenty-six thousand, — one for every village, containing five or six hot-headed, boisterous fellows or roughs with a copyist able to pen a petition. In the departments, however, where distance lends enchantment, and where old customs prevail implanted by centralization, the Paris club is accepted as a guide because its seat is at the capital. Its statutes, its regulations, its spirit, are all imitated; it becomes the *alma mater* of other associations, and they its adopted daughters. It publishes, accordingly, a list of all clubs conspicuously

¹ Taine, *op. cit.*, Book IV., Chap. II. Does not this suggest a comparison with Tammany Hall in New York?

in its journal, together with their denunciations; it insists on their demands; henceforth every Jacobin in the remotest borough feels the support and endorsement, not only of his local club, but again of the great club whose numerous offshoots overspread the territory, and thus extend its all-powerful protection to the least of its adherents. In return for this protection, each associated club obeys the word of command given at Paris, and to and fro, from the centre to the extremities, a constant correspondence maintains the established harmony. A vast political machine is thus set a-going, a machine with thousands of arms, all working at once under one impulsion, and the lever which gives the motion is in the hands of a few master spirits in the Rue St. Honoré.¹

At first sight the success of the Jacobins seems doubtful, for they are in a minority, and a very small one. At Besançon, in November, 1791, the revolutionists of every shade of opinion and degree, whether Girondists or Montagnards, consist of about 500 or 600 out of 3000 electors, and in November, 1792, of not more than the same number out of 6000 and 7000. At Paris, in November, 1791, there are 6700 out of more than 81,000 on the rolls; in October, 1792, there are less than 14,000 out of 160,000. At Troyes, in 1792, there are found only 400 or 500 out of 7000 electors, and at Strasburg the same number out of 8000 electors. Accordingly, only about one-tenth of the electoral population are revolutionists, and if we leave out the Girondists and the semi-conservatives the number is reduced by one-half. Taking the whole of France all the Jacobins put together do not amount to 300,000. This is a small number for the enslavement of 6,000,000 of able-bodied men, and for installing in a country of 26,000,000 inhabitants a more absolute despotism than that of any Asiatic sovereign. Force, however, is not measured by numbers; they form a band in the midst of a crowd, and in this disorganized crowd a band that is determined to push its way like an iron wedge splitting a log.

And M. Taine adds:—

The only defence a nation has against inward usurpation, as well as invasion from without, is its government. Government is the indispensable instrument of common action. Let it fail or falter and the great majority, otherwise employed, undecided what to do and lukewarm, disintegrates and falls to pieces. Resolution, audacity, rude energy, are all that are needed to make the lever act, and none of these are wanting in the Jacobin.²

The elections to the only Legislative Assembly that met under the constitution of 1791 revealed a widespread indifference to politics

¹ *Ibid.*

² *Ibid.*

among the active citizens. Most of them abstained from voting altogether. The explanation of this seems to be that the middle and lower middle classes had now secured the things they chiefly wanted from government. Feudalism and privileges had been swept away. Tolerable judicial and administrative systems had been established. The power of the Church was broken and the church lands had passed into the hands of active citizens. The small landed proprietors and the commercial classes alike, relieved from their old burdens, were now eagerly bent on availing themselves of the new conditions, and on making money as fast as possible. Most of them were too busy or too careless to exercise their political rights. Those who did vote, voted mostly for men as devoid of political principles as themselves, men whose political creed might almost be summed up as a twofold dread of *Ancien Régime* and new democracy. A triumph of the old nobility might mean a resumption of church lands or a restoration of privileges. A triumph of the mob leaders would endanger property and profits. Either would be unfavorable to middle class enrichment, and so the middle classes returned a majority favorably disposed to the existing state of things, to the Revolution so far as it had gone, so far but no further.

In a sense there was a conservative majority. But the old conservative party, which included, perhaps, a third of the old constituent, was unrepresented in the new legislature. Emigration and abstentions, rather than numerical weakness, prevented the aristocratic and ultra-clerical party from securing any representatives in the Assembly. That party was still strong in the country. It possessed much wealth and much influence, and an assembly in which it was not represented could not really represent France. But its members stood outside the legislature, forming plots, intriguing with foreign powers, and occupying places in the king's ministry. They were thus a source of national weakness and disunion, and far more harmful than they would have been if they had been fairly represented in the legislature.¹

It is evident that such a body as the new legislature would fall an easy prey to the men of extremes. The leaders of the Jacobins, indeed, Sièyès, Robespierre, and others, were also excluded from the Assembly. The leadership of the Left within its ranks fell to the men known as the Girondists, from the fact that several of them represented the Gironde department. These were enthusiastic but somewhat visionary democrats, of whom the types are Vergniaud, Guadet, and Gensonné. Already they would gladly have substituted a republic for the monarchy. They did not scruple to encourage mob demonstrations and even rioting for the purpose of influencing and intimidating the government; and they thus helped to raise a power which they could

¹ Symes, *op. cit.*, pp. 59, 60.

not control. They were mostly young and inexperienced men, eloquent, and to some extent dupes of their own eloquence. Their fine phrases were largely borrowed from ancient writers, who ranted about liberty in the days of the Roman despotism. They recognized the need of raising the national character in order to fit France for democratic institutions; and they came to think that they could best do this by involving the country in a war with the tyrants of Europe, a war which they fondly hoped would draw out heroic qualities, such as the ancient Greek republics displayed in their contest with the Persian despotism. But little practical sagacity could be hoped from the dreamers who deliberately adopted such a programme as this.¹

A third element in the struggle as to who should seize the executive power, which was falling from the hands of the king, was found in the Paris Commune, ready to join the Jacobins in the duel with the Girondists to the death, though quite ready to turn their arms afterwards against them. Before the Revolution Paris was divided into twenty-one quarters. Louis XVI. in his regulation of April 13, 1789, for the convocation of the States-General, divided it into sixty districts. Next the law of 27th June, 1790, created a new division into forty-eight sections, which continued till 1860. These sections elected the members of the municipality. Nominally only the active citizens (aged twenty-five years and paying taxes equal to three days' work) took part in the section meetings, but all citizens and even women came as spectators, and the active citizens fell off till only fifteen or twenty thousand attended out of the eighty-two thousand, and gradually even less. At first the sections could only meet upon special convocation by the municipal body and were required to disperse as soon as the elections were over, but gradually their meetings became more frequent, and in July, 1792, a decree of the Assembly sanctioned the permanence which already existed in fact.²

¹ *Ibid.*, p. 61.

² La Rousse, *Encyclopédie*, articles "Commune" and "Sections de Paris."

On the 26th of July, 1792, came the manifesto of the Duke of Brunswick, preparatory to the invasion of France. It threatened any city which resisted with the fullest rigors of war, and declared that Paris should be totally destroyed if any harm happened to the king or queen. This exactly suited the purposes of the Jacobin minority, who were organizing a "directory of insurrection." The Girondist leaders of the Assembly, with the weakness which attempts to avert the wrath of a mob by partially granting its demands, had given leave to the section meetings to sit *en permanence*, and the twenty-eight most violent of these chose commissioners, who assembled at the Hôtel de Ville and displaced by force the regular municipality, which had been elected the year before and was not sufficiently revolutionary. The next step was to demoralize the National Guard by decreeing that all citizens, passive as well as active, should be enrolled in its ranks, and furnished with pikes till better arms could be provided.

Thus was prepared the attack on the Tuileries of the 10th of August. The king and his family took refuge with the Assembly, where only 284 of the 749 deputies ventured to attend, and a deputation of the commissioners from the Hôtel de Ville, backed by the mob, compelled the Assembly to suspend the king from the so-called executive power, and to issue orders for the election of a National Convention to determine what was to be done next. And thus the old monarchy of the Bourbons in France came to an end.

It has been much disputed whether the massacres in the prisons on September 2 and 3 were a part of the organized scheme. The probability seems to be that all the authorities were paralyzed by fear and suspicion. The Assembly, the ministers, the National Guards and the municipality alike allowed the dreadful deeds to be done by a mere handful of men. At the outside there were not

200 murderers, the official list says 173, and yet not a single battalion of the National Guard, not a single group of men collected by chance and seeing the terrible scene, interfered to prevent its completion. As Mr. Symes says:

If we attribute these massacres to a sudden outburst of mob fury, fear, and suspicion, we may fairly regard them simply as an illustration of the condition to which the common people of Paris had been reduced under the old *régime*. Their characters had been formed, not in the few Revolutionary months, but during the long years and successive generations that preceded the outburst. And we may say that even these and the later atrocities prove how much the Revolution was needed in order to destroy a social system which brutalized the masses to such an extent.¹

It is not necessary to go into the history of the Convention, with the execution of the king and queen; the fierce struggle for power between the Girondists and the Jacobins over the inert and floating mass of the Marsh or Plain; the final defeat and destruction of the former and the supremacy of the more energetic and determined faction; the terrible Committee of Public Safety, the Representatives on Mission, the Revolutionary Tribunal, and the Reign of Terror. Amid the tremendous conflict of internal forces, acting under the pressure from without, it was a perfectly natural evolution of executive power by the means and methods which had been preparing in the previous centuries, and especially in the one just drawing to a close. The greater the ideality and force of imagination combined with strength of character in a people, the fiercer the struggle was certain to be. Its character can hardly be shown more clearly than in the three men whose names have perhaps acquired the greatest prominence, — Marat, Danton, and Robespierre. All were educated men and all inspired by principle much more than personal self-seeking. Marat, the most repulsive of the three, was a physician of considerable practice. He was also a stu-

¹ *Op. cit.*, p. 79.

dent of science and had written a number of works, some of which had been translated into German. But he was of a quarrelsome temper, and extremely unpopular among scientific men from the unsparing character of his criticisms. His inspiring passion seems to have been pity for the poor, and consequent hatred of the *bourgeoisie* and Royalists, which rose to a point of pitiless frenzy and made him a chief promoter of the violent deeds of the Commune. Perhaps his most marked characteristic was suspicion, and it was one which met but too well the temper of the time. His position was largely owing to his journalistic skill, as shown in the *Ami du Peuple*. It is remarkable that he, as well as Danton and Robespierre, took a decided stand at the outset against a foreign war.

Marat worked himself into a perfect rage on the subject of the war, and regarded it as an infamous conspiracy on the part of the *bourgeois* Constitutionalists and the Royalists to oppress the poor of the country. Like all men of statesmanlike mind, he clearly perceived the course events would take. He prophesied that disasters on the part of the French army would be followed by the overthrow of royalty and the destruction of those who hoped for foreign help in Paris. He also declared that an unsuccessful war—and how could it be otherwise than unsuccessful with an army in a state of disorganization?—would cause disasters, and afterwards the formation of a strong government. He echoed the cry of Mirabeau and Danton, "Strength is what we want, not a governor." And he proposed that a dictator should be appointed with supreme power for a few days, in which to destroy all traitors at home and vigorously carry on the war abroad. At this bold yet statesmanlike idea the other journalists cried out that Marat wished to make himself, or, at other times, wished to make one of his friends, Robespierre or Danton, a tyrant or a king. But Marat answered, "Men who are freely given sovereignty are not the men who become tyrants, but the men who seize sovereignty for themselves."¹

Danton was a far nobler character. Born in 1759, he was but thirty-five at the time of his death. He came to Paris in 1780, married the daughter of a tax official in good circumstances, and made an affectionate husband.

¹ Stephens, *op. cit.*, Vol. II., Chap. III.

He bought, as was then the custom, a prominent legal position and gained a lucrative practice. If the moving passion of Marat was pity, that of Danton was patriotism. In April, 1791, he gave up his profession and sold his office, abandoning a certain future, at once honorable and remunerative, to devote himself to public affairs and the Revolution, which he saw involved a total renewal of the social order. Less of his speeches are preserved than of many others, because almost alone among the public men of the time he spoke extemporaneously. At first opposed to the war, he afterwards threw himself into it with energy. Far from being bloodthirsty he was of a humane disposition, but he saw that energy was the one most important thing, and that inspiring fear was the only possible way of arriving at the despotic rule which was necessary to bring the war and the Revolution to success. It was he who chiefly planned the attack on the Tuileries on the 10th of August, 1792, but it seems to be admitted that he did not encourage, though as Minister of Justice he must in a measure be held responsible for, the massacres of September. The character of the man is strongly indicated by certain passages from his speeches. "What do I care for reputation! Let France be free and my name disgraced." "Rather a hundred times be the guillotined than the guillotiner." "I would embrace my enemy for my country, to whom I would give my body to be devoured." And to those who advised him to seek safety in flight, "Fly! can one carry away his country on the soles of his shoes?"

Danton, immediately after the fall of the Girondins, had thrown himself with extraordinary energy into the work to be done. The first great task in a great city so agitated by anarchical ferment had been to set up a strong central authority. In this genuinely political task Danton was prominent. He was not a member of the Committee of Public Safety when that body was renewed in the shape that speedily made its name so redoubtable all over the world. This was

the result of a self-denying ordinance which he had imposed upon himself. It was he who proposed that the powers of the committee should be those of a dictator, and that it should have copious funds at its disposal. In order to keep himself clear of any personal suspicion he announced his resolution not to belong to the body which he had thus done his best to make supreme in the State. His position during the autumn of 1793 was that of a powerful supporter and inspirer from without of the government which he had been foremost in setting up. Danton was not a great practical administrator and contriver, like Carnot, for instance. But he had the gift of raising in all who heard him an heroic spirit of patriotism and fiery devotion, and he had a clear eye and a cool judgment in the tempestuous emergencies which arose in such appalling succession. His distinction was that he accepted the revolutionary forces instead of blindly denouncing them as the Girondins had done. After these forces had shaken down the throne and then, by driving away the Girondins, had made room for a vigorous government, Danton perceived the expediency of making all haste to an orderly state. Energetic prosecution of the war and gradual conciliation of civil hatreds had been the two marks of his policy ever since the fall of the monarchy. The first of these objects was fulfilled abundantly, partly owing to the energy with which he called for the arming of the whole nation against its enemies. His whole mind was now given to the second of them. But the second of them, alas, was desperate.¹

Danton fell a victim to the rivalries of the Commune, the Committees, and the Convention largely because he failed to exert in his own behalf that energy which he had so lavishly put forth in the cause of his country.

Robespierre, like Danton, of whom he was the senior by a year, was bred to the law and achieved success by his own efforts. In early life he had resigned a position as judge rather than pronounce a sentence of death. In the elections of 1789 he took the lead in drawing up the *cahier*, or table of grievances, of the province of Artois, secured the support of the country electors, and, though just past thirty years of age, poor and without influence, he was elected fifth deputy for the province of Artois to the States-General. If the moving passion of Marat was pity,

¹ *Encyclopædia Britannica*, article "Danton."

and that of Danton patriotism, that of Robespierre was in the social theories of Rousseau. Mirabeau said of him, "That young man will go far. He believes what he says."

Without the courage and wide tolerance which make a statesman, without the greatest qualities of an orator, without the belief in himself which marks a great man, nervous, timid, and suspicious, Robespierre yet believed in the doctrines of Rousseau with all his heart, and would have gone to death for them; and in the belief that they would eventually succeed and regenerate France and mankind, he was ready to work with unwearied patience.¹

His personal qualities gained for him success at the Jacobin club.

His fanaticism won for him supporters; his singularly sweet and sympathetic voice gained him hearers, and his upright life attracted the admiration of all. His private life was always respectable; he was always emphatically a gentleman and man of culture, and even a little bit of a dandy. In 1792 he had indignantly thrown from his head a red cap which one of his admirers had placed upon it; he had never pandered to the depraved tastes of the mob by using their language, and to the last day of his life he wore knee breeches and silk stockings, and had his hair powdered. Scrupulously honest, truthful, and charitable in his habits and manner of life, he was simple and laborious. He was not a man gifted with flashes of genius, but one who had to think much before he came to a decision, and he worked hard all his life.²

It should be added that he was distinctly of a religious temperament, and set his face against the atheistic tendencies of the time. The effect of this appeared in his "Feast of the Supreme Being," which furnished the element of ridicule that contributed to his fall. It has a deep significance that such a man as this should have held the foremost place in the Paris Commune and the Jacobin club, and have outlived all his leading competitors for power. It is difficult to understand how his audience of fifteen hundred at the Jacobins' could have

¹ *Ibid.*, article "Robespierre."

² *Ibid.*

sat through his long and elaborate harangues, which, though not without literary merit, are prosy, smelling of the lamp, and stuffed with classical allusions. The secret probably was that he was putting into logical form what these fifteen hundred felt and believed. One is reminded of the Scotch Covenanters listening for hours to the sermons of their divines, based on the fierce theology of the Old Testament.

Although Robespierre was elected a member of the Committee of Public Safety, yet the majority, who were men of action, despised more than they feared him, as did Danton, and were entirely free from his influence. It is necessary to dwell upon the fact that Robespierre was always in a minority in the great committee in order to absolve him from the blame of being the inventor of the enormities of the Terror, as well as to deprive him of the glory of the gallant stand made against European arms. The Terror was the embodiment of the idea of Danton, that it was necessary to resort to extreme measures to keep France united and strong at home in order to meet successfully her enemies upon the frontier. The idea was systematized by the Committee of Public Safety without much consideration as to who were to be the victims. With the actual organization of the Terror Robespierre had little or nothing to do; its two great engines, the revolutionary tribunal, and the absolute power in the provinces of the representatives on mission, were in existence before he joined the committee. The reason why he is almost universally regarded as its creator, and the dominant spirit of the Committee of Public Safety, is not hard to discover. The active members were not conspicuous speakers in the Convention, nor were they the idols of any section of the populace, but Robespierre had a fanatical following among the Jacobins, and was admittedly the most popular orator in the Convention. His panegyrics

on the system of revolutionary government, and his praise of virtue, led his hearers to believe that the system of Terror, instead of being monstrous, was absolutely laudable; his pure life and admitted incorruptibility threw a lustre on the committee of which he was a member, and his colleagues offered no opposition to his posing as their representative and reflecting some of his personal popularity upon them, so long as he did not interfere with their work. Moreover, he alone never left Paris, whilst all the others, except Barère, were constantly on missions to the army, the navy, and the provinces.

It was after Robespierre by the destruction of Hébert and his supporters had acquired full control of the Paris Commune, and by that of Danton and his immediate friends the full control of the Convention and its committees, that he began to falter and prove unequal to his task.

He said himself on one occasion, "I was not made to rule. I was made to combat the enemies of the Revolution," and so the possession of supreme power produced in him no feeling of exultation. On the contrary, it preyed upon his spirits, and made him fancy himself the object of universal hatred. A guard now slept nightly at his house, and followed him in all his walks. Two pistols lay ever at his side. He would not eat food till some one else had tasted from the dish. His jealous fears were awakened by every sign of popularity in another. Even the successes of his generals filled him with anxiety, lest they should raise up dangerous mobs.¹

Fear produced bloodthirstiness. In the three months between Danton's death and his own the executions were about two thousand. Revolt against such rule could not be long delayed, and he followed his own victims to the guillotine. Anarchy had thus made its first call for despotism, and the first response had been a failure. A stronger hand was needed, and was sure to come.

It is worthy of remark that of the three men here referred to not one attempted to enrich himself.

¹ Symes, *op. cit.*, p. 128.

CHAPTER IX

FRANCE IN THE FIRST HALF OF THE NINETEENTH CENTURY

WITH the fall of Robespierre the Reign of Terror came to an end.¹ The Commune of Paris through the destruction of its leaders had lost its power, and the Jacobin club was abolished. The nation had submitted to arbitrary and cruel rule from the fear of foreign invasion and royalist conspiracy, much as in the Civil War in the United States the people tacitly submitted to four years of military despotism. But as the gravest danger passed away humanity and the rights of civil society reasserted themselves. The Convention, by limiting the power of its committees, resumed its position as the real legal authority in France. There was a spirit of lassitude and reaction much like that which followed in England upon the death of Cromwell, and if there had been in France a body of aristocracy accustomed to work together, to feel that their strength lay in moderation, and to exercise some real control over the Crown, a restoration of royalty might possibly have taken place. But all this

¹ We do well to speak with horror of the Reign of Terror and of the Revolutionary Tribunal, which sent about three thousand persons to death. Yet even here we may remind ourselves that this terribly large number shrinks into insignificance when compared with the innocent persons hurried to a more painful death in needless wars by the ambition of rulers whom the world delights to honor. Let us clear our minds of cant, and neither extenuate nor exaggerate the horrors; and take what comfort we can from the knowledge that the chief actors honestly believed they were promoting the good of France and of humanity; that the victims almost all met their death with courage and dignity; that the dim millions of Frenchmen gained greatly by the Revolution as a whole, and suffered little from the Reign of Terror. — J. E. SYMES, *op. cit.*, Chap. XIII.

was wanting. The nobles were in exile with no thought but revenge and the reclamation of their old privileges. The clergy had been stripped of their offices, while the immense transfer of landed property had fixed an almost impassable gulf between the old and the new. The reaction was largely in the hands of the new rich, and the "Gilded Youth" were almost as much of a mob as those whom they attacked. As the reaction spread through France the cruelties and the violence of the Royalists were almost as great as those of the Revolutionists had been. For a year an uncertain struggle continued between the two forces, and it is noticeable that the first appearance of Bonaparte on the scene was in the suppression of a Royalist insurrection against the Convention on October 4, 1795. The reactionary spirit still gained ground so fast, however, that the Convention made haste to meet it, and established a new constitution.

The experience of the Constituent and Legislative Assemblies, and of the Convention until the formation of the Committee of Public Safety, had shown the utter inadequacy of intrusting supreme executive and administrative authority to an unwieldy, deliberative assembly. The founders of the United States of America had invested their President with power resembling that exercised by kings. The constitution of 1791, in its jealousy of the monarchy, had practically deprived the king and his ministers of all real authority while leaving him the entire responsibility. The constitution of 1793 placed all executive authority in the hands of the legislature. The constitution of the Year III. (1795) endeavored to separate the executive and legislative authorities.

Under the new arrangement the executive was placed in the hands of five directors. One was to retire every year, and was not eligible for reelection; his successor was to be chosen by the legislature. In order to secure an entire separation between the members of the Directory and of the legislature, no member of the latter could be elected a director until twelve months had elapsed after the resignation of his seat. The directors were to appoint the ministers, who were to have no connection whatever with the legislature, and who were to act as agents of the directors. The individual directors were to exercise no authority in their own names. They were to

meet daily, and the will of the majority was to be taken as the will of the whole. They were to elect a president every month, who was to act as their mouthpiece at the reception of foreign ambassadors, and on all occasions of ceremony. The control of internal administration, the management of the armies and fleets, and all questions of foreign policy, were left entirely to the directors. But treaties, declarations of war, and similar acts had to be ratified by the legislature. The directors had nothing whatever to do with the work of legislation and their assent was not needed to new laws. With regard to the revenue, the administration of the finances and of the treasury rested with the directors, but they could not impose fresh taxes without the assent of the legislature.

The legislature under the constitution of the Year III. consisted of two chambers—the Council of Ancients and the Council of Five Hundred. It is a curious commentary upon the debates which took place in the Constituent Assembly of 1789, when the establishment of two chambers was rejected with scorn as being an obvious imitation of the English Parliament, that in 1795 this very principle was almost unanimously adopted. The delay necessitated by a law being obliged to pass before two distinct deliberative bodies now appeared most advantageous, when compared with the headlong precipitation which had marked all the earlier stages of the Revolution.

The Council of Ancients (two hundred and fifty in number) was to consist of men forty-five years old and upwards, and therefore presumably not liable to be carried away by sudden bursts of enthusiasm. For the Council of Five Hundred there was no limit of age. One-third of the two councils was to retire yearly; deputies were to be chosen by an elaborate system of primary and secondary assemblies held in each department of France, and a property qualification was demanded both for the electors and the deputies. The Council of Five Hundred had allotted to it as its special function the initiation of all fresh taxation and the revision of all money bills. The Council of Ancients was the court of appeal in all diplomatic questions, such as the declaration of war. In actual legislation the consent of the majority of both chambers was needed for a new law. For their most important function—the yearly election of a new director—the two chambers were to form one united assembly.¹

It was the intention of intriguers, some of them possibly Royalists, but most of them *bourgeois* or aristocrats who had personal reasons for desiring revenge, to take advantage of this constitution to overthrow the Republic. The Convention, knowing this and that the mass of Frenchmen

¹ H. Morse Stephens, "History of Europe," 1789-1815, pp. 159-163.

were sincerely republican, decreed that two-thirds of both councils should be taken from their own body. The decree produced the rising of 18th Fructidor (October 5) which was quelled by the cannons of Bonaparte.

By a series of political tricks a majority of Revolutionists was secured in both bodies, and the Directory was made up of five regicides. The weakness of this multiple executive, attacked on one side by the Revolutionists, and on the other by the Royalists, made government impossible, and showed how the energy of Danton and the Committee of Public Safety had at least had the merit of effectiveness for its purpose. The mass of *assignats* was then sinking to its final extinction, and the distress through the country was very great. At the same time, as in all violent fluctuations of currency, there was a class which had made money easily and quickly, and luxury, extravagance, and dissipation came to aggravate the discontent. The Royalist tide continued to advance, when some regiments were despatched by Bonaparte ostensibly to bring conquered standards to Paris, but really to come to the aid of the Directory. On the 4th of September, 1797, Augereau surrounded the Tuileries with his troops, and ordered the Royalist deputies to be arrested: upon which eleven members of the Council of the Ancients, forty-two of the Five Hundred, and two directors were sentenced to deportation.¹ For the first time the fundamental defect of the Revolution, anarchy, after desperate efforts at remedy by committees of public bodies, found its natural outcome and corrective in military force. Thenceforward the councils were the obedient servants of the directors. Strength here, however, was wanting, and affairs did not improve.²

¹ "Outlines of Universal History," from the German of Dr. George Weber, Boston, 1858, § 563.

² It is curious to observe the swaying of the conflict between executive

Of the second Coalition of Europe against France, under which Italy was lost, only one word need be said.

The republicans of Naples were now visited by a frightful punishment. Supported by Admiral Nelson, who lay with his fleet before the city, and who, seduced by the charms of Lady Hamilton, allowed himself to be made the instrument of an ignominious vengeance, the

and legislative power. At the annual change of the composition of the Directory which took place in 1799, a considerable alteration had been made. The Directory, which had seemed so strong after the Revolution in 1797, had been considerably weakened by the behavior of the directors themselves. The choice of Siéyès by the legislature and his acceptance indicated an increase of power in the body of which he was the idol. — STEPHENS, *op. cit.*, 1789–1815, p. 209.

On the 18th Fructidor, Year V. (4th September, 1797), the executive in the form of the Directory had crushed and partially destroyed the legislature, and on the 30th Prairial, Year VII. (18th June, 1799), the legislature had acted in the same way towards the executive. By the constitution of the Year VIII., which was submitted to the people December 14, 1799, the executive power was acknowledged to be supreme.

The keystone of the new constitution was the Consulate. There were to be three consuls nominated for ten years, but these officials were not to be equal in authority, as had been the case with the directors. On the contrary, the first consul was to be the perpetual president and perpetual representative of the governing triumvirate. All administrative power was placed in his hands, and the second and third consuls were little more than his chief assistants. The consuls acting together nominated the ministers and also the Council of State, which was intended to be at the same time an administrative tribunal of appeal and the originating source in matters of legislation.

In the work of legislation the Council was supplemented by the Tribune and the Legislative Body. All laws prepared by the Council of State were first submitted to the Tribune, which was composed of one hundred members. The Tribune could neither reject nor amend a law, but decided whether to support or oppose the project before the Legislative Body. The Legislative Body consisted of three hundred deputies chosen by certain electoral assemblies formed by a complicated scheme out of the taxpayers of the departments. By this scheme, after three series of elections, what was termed a national list was drawn up. From this national list the Senate chose both the Legislative Body and the Tribune. The Legislative Body alone voted the taxes. In legislative matters it played the part of a national jury, listening to the arguments for or against brought forward by the Tribune on every project prepared by the Council of State, and deciding in every case without discussion. The Legislative Body alone could give a project of the Council of State the character of a law. The Senate was composed of eighty

priesthood and the royal government practised deeds before which the atrocities of the French Reign of Terror retreat into obscurity. After the murderings and the plunderings of the *lazzaroni* were over, the business of the judge, the jailer, and the executioner commenced. Every partisan, adherent, or favorer of the republican institutions was prosecuted. Upwards of four thousand of the most respectable and refined men and females died upon the scaffold or in frightful dungeons. For it was precisely the noblest portion of the nation, who wished to redeem the people from their degradation and ignorance, that had joined themselves with patriotic enthusiasm to the new system.¹

Indeed, down to the sixth decade of this century, the kingdom of Naples has furnished examples of the effects of despotic royal rule quite equal as an offset to the violence of the Paris mob; with this difference, that there is always an abundance of cultivated literary talent to denounce the latter, while the former attracts comparatively little attention.

In the summer of 1799, Bonaparte, abandoning his army in Egypt, returned to Paris, overthrew the government, and established the Consulate, of which he was the real head and which was speedily followed by the Empire. Authentic accounts of the scene at St. Cloud show that even his audacity quailed before the crime; that failure was hanging in the balance and was prevented only by the coolness of his brother Lucien. Bonaparte had developed into Napoleon. A second Cromwell had driven out a new Rump Parliament. Again it had been shown that a strong executive is the first necessity of all government. The problem with which France was to wrestle in the next hundred years for the benefit of the world was whether this executive should be an arbitrary

members nominated for life by the consuls. Its duties were to choose the members of the Tribune and Legislative Body from the national list, and to decide whether any law or measure of the government was contrary to the constitution. If it decided that such law or measure was unconstitutional, it had authority to annul it. — H. MORSE STEPHENS. *op. cit.*, p. 213.

¹ Weber, "Outlines of Universal History." § 565.

despot, bending a nation as slaves to his will, or a constitutional ruler, exercising his power for the real welfare of the people and in accordance with their will.

One thing the new ruler did which constituted a wholly new departure in government, and from the point of view of this work may be said to be the best thing he ever did. This was the attempt to base his power upon the expressed will of the people. The vote on the acceptance of the constitution of the Year VIII., which was submitted to the people December 14, 1799, resulted in 3,911,107 ayes against 1569 noes. In May, 1802, on the question of making Napoleon Bonaparte First Consul for life, there were 3,568,000 ayes to 9000 noes, while on May 18, 1804, a majority of more than 3,000,000 votes ratified the offer by the Senate of the title of Emperor.

With the military career of Napoleon this work has nothing to do. It may be remarked, however, that after the sacrifice of nearly two millions of Frenchmen, to say nothing of their opponents, in the attempt at a conquest of Europe, and after an amount of suffering compared with which that of the Revolution hardly deserves mention, he left France smaller than he received it. One of the bitter taunts with which he expelled the Directory was by asking "What have you done for France?" A member of that Directory, Gohier, lived to reply after Napoleon's fall that the Republic at least kept foreign enemies from her borders; that it was left for the mighty emperor to deliver Paris over to invading legions. It is well to observe that a second empire achieved the same result. One plea largely dwelt upon is that the first Napoleon broke up the old despotisms and paved the way for a new and modern society. Apart from the fact that France received no adequate return for all her sacrifices in this respect, can there be a question that she would have achieved far higher results in the same direction by

the consolidation of civil liberty, and the establishment of peaceful constitutional government? If it be said that that was impossible, it forms no argument against popular government in itself, but only as to the difficulty of establishing it, as to which there is no dispute.

As to the internal rule of Napoleon there can be but one verdict. Everything of the old *régime* was restored which the Revolution had not finally destroyed. There could no longer be a hereditary nobility with feudal privileges, nor an immense ecclesiastical corporation owning a large part of the land of the country. But no such centralized despotism was exercised by Louis XIV. in the plenitude of his power. The government of the prefects amply replaced that of the intendants. The conscription was an engine of which, in its terribly levelling force, the old *régime* knew nothing. Napoleon, by the Concordat with the Pope, restored the priesthood in all its pomp and ceremony; but for its religious functions he cared nothing. It was merely to be a powerful instrument in his hands for acting upon the minds and securing the obedience of his subjects. For elective judges he substituted those appointed by the executive power and made them irremovable, but only after five years' probation had shown them to be of a kind suited to his purposes.

The Empire was not a society, it was a vast hierarchy of functionaries and soldiers, surmounted by a man thinking, acting, and speaking for the country reduced to obey and be silent.¹

A good illustration of the character of his rule may be given in some particulars of an account of his educational system.²

"In the establishment of a teaching body," he said in the Council of State, "my principal object is to have a means of directing political

¹ Charles de Mazade, "Portraits," etc., Guizot, p. 40.

² H. Taine, "Le Régime Moderne," Livre VI., L'Ecole.

and moral opinion. It should be so constituted as to furnish information about every child from the age of nine years."

With a view to this, he assumed the monopoly of public instruction ; the sole right to manufacture and issue it, like salt and tobacco. Throughout the Empire it is intrusted exclusively to the University. No school, no establishment of instruction of any kind,—superior, secondary, primary, special, general, collateral, lay, or ecclesiastical,—can be formed outside of the imperial University, or without the authorization of its chief. They must pay also. The State grants licenses. Every graduate who opens a course of letters or science must first pay 75 francs in Paris and 50 in the provinces. Besides this tax, every master of a boarding-school must pay to obtain the indispensable certificate, in Paris 150 francs, 100 in the provinces ; the chief of an institution in Paris pays 600 francs, in the provinces 400, and the certificate is only for ten years, and must then be renewed. As for his pupils, whether paying in full, or half, or even free, the University collects upon each of them a tax equal to a twentieth of the full fees. The master must collect and return the tax accurately, both as to price and number, under heavy penalties.

At first Napoleon was obliged to tolerate private schools because his lyceums did not succeed. Families had no confidence in them. The discipline is too military, the education not parental, the professors indifferent and worldly functionaries, the ushers and tutors old non-commissioned officers, rough and coarse, the state scholars unfit companions. As the best class of scholars did not come to the lyceums, they must be made to come. Private schools must not teach studies beyond a certain standard, and only such as the lyceums did not teach ; while for the rest, they must take their scholars back and forth to the lyceums daily. After November, 1812, pri-

vate schools could only take scholars after the lyceums were full, and, as there were one hundred of them, and the complement was fixed at three hundred pupils, only the surplus of thirty thousand could go into private institutions. Add to these things that all private, as well as public, schools were governed by the University: their prospectuses and regulations, personnel and discipline, spirit and material of instruction, details of study and recreation; all in these so-called free schools were fixed by the University under the direction of the Grand Master, himself the creature of the emperor.

It was the same with the public instructors, forming, as Napoleon called them, a corps of Jesuits, not of the Church but of the State. They were regularly enlisted for three, six, and nine years, and could not leave without long notice given. They wore uniforms, were regularly promoted, and, from 1808, even celibacy was enforced. "No woman can be received or lodged in the lyceums." The instructors were subjected to severe discipline, even that of arrest. As the fathers had ideas of independence, the men of the younger generation were placed in normal schools, where, to fit them for teachers, they were subjected to grinding discipline and the most restricted studies.

As for the instruction itself it was to produce good soldiers for his armies, good functionaries for his administration, and good and zealous subjects for his service.

All the schools of the University will take for their base of instruction fidelity to the emperor, to the imperial monarchy as the depositary of the happiness of the people, to the Napoleonic dynasty, conservative of the unity of France, and of all the liberal ideas proclaimed by the constitution.¹

Drum beatings, military drill, defiling at command, uniforms, laces, and the like, became in 1811 obligatory,

¹ Taine, *op. cit.*

not only for the lyceums and colleges, but also for private institutions, upon pain of being closed up.

For primary schools the State did nothing except to release them from payments to the University, which it was too difficult and too unpopular with the peasants to collect. The parents and the communes must organize them, bear the expense, find and engage the teachers. The government only requires through the prefects that the instruction shall be of the right kind. The inspectors will take care that the primary schools teach nothing but reading, writing, and arithmetic. If they go beyond that, if they teach the first elements of Latin, of geometry, of geography, of history, they become secondary schools and are subjected to University fees, military discipline, uniforms, and other demands. The spirit of the primary schools may be judged from one phrase, which seven or eight hundred thousand children recited to their teachers before reciting it to the curé: "We owe especially to Napoleon I., our emperor, love, respect, obedience, fidelity, military service, the tributes ordered for the defence of the Empire and his throne. For it is he whom God has raised up in difficult circumstances to reëstablish the public worship and the holy religion of our fathers, and to be its protector."

In the higher instruction all was for practice, nothing for theory. There were no students of law but only of the laws, not for judging them but only for applying them; no principles of science but only observation and application; not general culture but technical education. Society does not need learned men and philosophers, "ideologues," but those who can build a bridge, an edifice, can care for the sick or perform an amputation, draw a contract, conduct a procedure, judge in a lawsuit. Add to these a censorship of the press, of newspapers, pamphlets, and books, hardly less severe than that existing in Russia to-day.¹

¹ Taine, *op. cit.*

History, in judging the total of Napoleon's career, will pronounce it sterile and disastrous. If one seeks to discover what he really wished, what he did, what he left, one finds nothing. He acted without object, lived upon chance, bestirred himself in a vacuum. He may have saved France, but to allow her to fall deeper than before. He did not give his great mind to the service of one grand idea. He has not attached his name to any work. He rendered no service to humanity. He represented nothing in history. He pursued that insensate and barbarous thing, war for the sake of war. He piled up conquests after the manner of the ancient Eastern despots.

Napoleon was not a statesman because he had no political idea. And what must we say if, instead of placing ourselves at the point of view of French politics, we wish to judge him from that of civilization. Civilization is composed of moral ideas, and he misunderstood them all. What contempt of humanity! What ignorance of its instincts and its needs! What a misconception of modern society! What contempt of everything spiritual! He knew only force, and in matters of thought only that which serves force. He trampled under foot all rights. As he understood only the lower parts of government, so he understood in civil society only the material elements. He restored the Church, but only to keep it under his hand and govern it. He reorganized the Institute, but he conceived eloquence, poetry, and literature only as charged with burning an eternal incense in his honor. He gave us a code, but he refused us institutions. He reestablished our finances and suppressed our liberties. He showed himself, properly speaking, neither virtuous nor vicious. He was one of the southern natures in which the moral side of man was simply wanting. That is why he is at once so great and so small, so astonishing and so vulgar.¹

The lesson here sought to be enforced is not so much that imperial government has its drawbacks as well as popular, nor the more important one that government by a legislature leads straight through anarchy to despotism, but this, that the Napoleonic rule was a continuation and even an exaggeration of the old *régime*, as it existed from the time of Louis XI. It tended to destroy all political character and capacity in the French people; all ideas or habits of local self-government; all mutual confidence; all power or even conception of the possibility of working

¹ E. Schérer, "Études Critiques de la Littérature Contemporaine." Vol. I., M. Thiers.

together for the common good ; all sense of moderation, of the advantages of concession to the will of the majority, of the fact that peace and tranquillity are important ends in themselves and cheaply purchased by great sacrifices of individual interest. It sowed everywhere jealousy, suspicion, and treachery. It taught men not to rely upon their own exertions or upon mutual support, but upon some distant and unseen power, either to be submitted to as irresistible fate, or propitiated by cringing flattery and obedience.

There is needed no resort to the character of the French people to explain the failure of the government of the Restoration. In the first place, it was imposed upon the people by foreign conquest in two invasions. For twenty years the French nation had been fed to the full with military glory. It was a very poor glory, but it was all they had, and all the youth and men of middle age had been trained by Napoleon, with all the force of his centralized power, to regard it as the only thing desirable in life. The new government represented to them the last degree of humiliation, with the suffering and loss they had long inflicted upon others.

In the second place, it brought back a class who had spent twenty years in exile, "had learned nothing and forgotten nothing" ; who, understanding nothing of the change which had come over the nation, and with very little concert of action among themselves, were bent only upon restoring things to their old condition. Whatever moderation might have existed in 1814 disappeared with the second entry after the Hundred Days, and the Royalists breathed only vengeance.¹

¹ By the side of the king there burst forth, as it were, a party full of resentment and wrath, so much the more dangerous that it entered with the intoxication of an unhopèd-for victory. Strange that, instead of speaking of the misfortunes of the country with dignity as the government

In England at the Restoration the old condition of things could be and was reëstablished.¹ So in the United States, after four years of the most tremendous civil war of modern times, the old institutions were such as to resume their operations, even in the conquered states, on the return of peace. But in France there was nothing to restore, except the absolute power of the Crown, and that was impossible. In England questions of the land were settled by the old tribunals.² In France, while far greater changes had taken place, there were no tribunals whose authority would have been recognized for a moment.

did, instead of aiming to cure the wounds given to the national pride by the invasion, it took pleasure in irritating that pride. It boasted of having returned by the foreigner, of reigning by the foreigner; it made of royalty the odious instrument of introducing the Holy Alliance upon French soil. Instead of applying itself to reassure the interests created by the Revolution and the Empire, it lost no occasion of frightening them, of menacing them, and, with a fury of which we can now form no idea, it drew up addresses and shouted its demands to the king for "justice,"—that is, for vengeance. These strange Royalists amused themselves with decrying the Charter itself as a work without sincerity, as a dangerous concession which royalty was free to withdraw, and, in a word, in their eyes the history of France for twenty-five years had been only a grand battle in which the Revolution was at first victorious, but which was now to renew the ancient social condition by the same means.—CHARLES DE MAZADE, "Portraits d'Histoire," M. Guizot, etc., himself a writer of decided Royalist tendencies.

¹ On the use which might be made of one auspicious moment depended the future destiny of the nation. Our ancestors used that moment well. They forgot old injuries, waived petty scruples, adjourned to a more convenient season all disputes about the reforms which our institutions needed, and stood together, Cavaliers and Roundheads, Episcopalians and Presbyterians, in firm union for the old laws against military despotism. The old civil polity was, therefore, by the general consent of both the great parties, reëstablished. It was again exactly what it had been when Charles I., eighteen years before, withdrew from his capital. All those acts of the Long Parliament which had received the royal assent were admitted to be still in full force.—MACAULAY, *op. cit.*, Chap. II.

² Property all over the kingdom was now again changing hands. The national sales, not having been confirmed by Parliament, were regarded by the tribunals as nullities. The sovereign, the bishops, the deans, the chapters, the Royalist nobility and gentry, reëntered on their confiscated estates and ejected even purchasers who had given fair prices.—*Ibid.*

The new rulers made haste, however, to possess themselves of the instruments of centralized government which had been prepared for them by the Empire. In 1815 the Duke of Angoulême said, "We prefer the departments — the arbitrary creations of the Revolution — to the provinces, which under the old *régime* had privileges and independence, however limited, of their own." The government found also in Napoleon's University a much easier and more effective instrument of rule than any that existed before 1789. It commanded the services of twenty-two thousand primary instructors, of thousands of professors and other officials in 36 lyceums, 368 colleges, 1258 institutions and boarding-schools. Up to this time, it was said, its makers, under the Republic or the Empire and more or less Jacobin, have managed it for their purposes. Let us manage it for ours. The Grand Master, instead of a secular functionary, was to be a bishop. Indeed, the greatest change was in the matter of the Church. When Napoleon as First Consul began the reconciliation with the Pope, he demanded that the latter should displace all the bishops of the old *régime*, great dignitaries, distinguished for wealth, lands, or hereditary nobility, and appoint fifty others selected by and absolutely subservient to himself, irrespective of their origin. The Pope at first demurred, but his shrewdest counsellors advised acceptance, pointing out how by this precedent of making and unmaking bishops at will, it would increase the power of the Church. It was a step in that extension of spiritual dominion which has reached the declaration of papal infallibility and of the Immaculate Conception. Meantime Napoleon used the new bishops to bend every priest in France to his will. Reports of every one were obtained, and any one who failed in zeal found himself transferred to a post of hardships and privations.¹

¹ Taine, *op. cit.*

It was this instrument which was placed in the hands of the Royalists. The new charitable orders which grew up in France were imbued with this ultramontane spirit, and when it is remembered that in 1878 these included thirty thousand men and one hundred and twenty-eight thousand women, the hostility of the Third Republic is not inexplicable, or the saying of Gambetta that its chief enemy was clericalism.

Louis XVIII. showed his Bourbon spirit by declaring that the Charter was "granted" by him to the French people, and dating it in the eighteenth year of his reign. But he appears to have desired to govern well, and to have seen with regret the excesses of his partisans. By the Charter dated June 4, 1814, the qualifications for electors were fixed at thirty years of age and the payment of direct taxes of three hundred francs, and for those elected at forty years of age and direct taxes of one thousand francs. The electorate was therefore reduced to less than one hundred thousand for the whole of France. From this body issued, in September, 1815, the Chamber known as "*Introuvable*" from the excess of its Royalist zeal. Next came the "White Terror," and a procedure in the south equal in violence if not cruelty to that of the Revolution, and leading within a year to the dissolution of the Chamber. Under the moderate ministries of the Duke de Richelieu and M. de Serre matters went fairly well till two events came to stimulate again the Royalist fury.—one the election to the Chamber, in 1819, of the Abbé Gregoire, a constitutional bishop of the Revolution, who had advocated and voted for in the Convention the death of Louis XVI.; the other the assassination, in 1820, of the king's nephew, the Duke de Berri, by the fanatic Louvel. Upon these events followed the Congresses of Laybach and Verona, in which the sovereigns of the Holy Alliance proclaimed it as their policy to put down all popular

movements in Europe, and to maintain the supremacy of rule by divine right. In 1823 a French army crossed the Pyrenees to aid in reëstablishing the government of Ferdinand VII. of Spain, the vilest despotism in Europe.

But if the Royalists went to one extreme, the opposition erred as much in the other direction. Republicanism was still an unimportant quantity, but even the liberal monarchists, of whom Thiers, a young man just coming into notice, formed an example, attacked the government with a sole view to its overthrow. The real trouble was not, however, in the violence of the extremes. It was in the want of cohesion, of mutual confidence, of discipline, and of concert of action in the great mass of the people, which in France as in all countries really wanted order, good government, and peace. There was, moreover, no executive power strong enough to govern,—and this is most of all necessary in a centralized system, where all the extremities look for guidance to the head,—or sufficiently in touch with the mass of public opinion to make its strength available. It was again government by a legislature with the consequent anarchy which ends in revolution.

Louis XVIII. died in September, 1824, with gloomy forebodings of what was to follow him. His brother and successor, Charles X., was and remained the Count of Artois, the noble of the old *régime*, whose one idea was to restore society to its condition before the Revolution, who had been the centre of ultra-royalist intrigue, and looked upon the Charter as an instrument in no way binding upon him, but which might be disregarded at his pleasure.

In the elections which followed his accession in the autumn of 1824 an immense Royalist majority was secured, there being but 19 members in opposition out of 430. This was a result, however, of the very restricted suffrage, and by no means represented the feeling of the country. By November, 1827, the tide had turned, and the elections

giving a liberal majority the king made a partial concession, and some liberal measures were passed under the ministry of De Martignac. In August, 1829, the king dismissed that ministry and appointed the Prince de Polignac, the embodiment of the pretensions of the old *régime*. In the summer of 1830 were issued the famous ordinances, which

1. practically suppressed all opposition newspapers;
2. dissolved a regularly elected Chamber before it had met;
- 3 and 4. reduced the Chamber of Deputies by one-half, and gave the whole electoral power to a small number of noble and wealthy persons;
5. called to the Council of State the most extreme Royalists.

The response to this was the Revolution of July, and the last of the Bourbon kings took the road to England.

The counterparts of Charles II. and James II. had come and gone, and this phase of French history in its main features bears almost an exact resemblance to that of England. But at this point the history diverges. The French statesmen of the time themselves regarded the change to the Orleans dynasty as corresponding to the English Revolution of 1688. Why was the result so different? The French have been bitterly reproached because they did not take this opportunity of securing the blessings of constitutional government. It would be about as reasonable to take an English ploughman from the inland counties, to set him down for six months in the neighborhood of the British Museum, and then rail at him because he did not master the treasures of learning it contains.

How were the new governments made? In England by a body of nobles and gentry, acting upon traditions and precedents which had been growing up since Magna

Charta was signed by King John. In France the substitution was made by the prompt action upon the Chamber of Deputies of one or two statesmen in Paris, among whom Thiers, then a journalist, took a leading part. This resulted in a compromise extorted from some self-appointed leaders of the Paris populace, who had taken possession of the Hôtel de Ville, the decision, which was wavering in the balance, having been given by Lafayette. Nothing could be more pitiful than the manner in which Louis Philippe proceeded from the Palais Royal to the Hôtel de Ville, and gained the applause of the crowd by appearing on the balcony in the embrace of the general who had passed through so many changes at home and abroad.

In England the Crown was decreed to William and Mary by the solemn and deliberate act of a duly elected convention, summoned by William at the request of the lords and members of the last Parliament of Charles II., whom he had called together; and this action was accepted by a nation trained to submission to established facts. In France nobody had ever learned to submit to anything except force. On the one hand, the Royalists were not at all enthusiastic for the change. Guizot subsequently declared that there were not fifty members of the Chamber of Deputies who desired the overthrow of the reigning house. On the other hand, all the radical and more violent section wished for a republic. The great and silent mass of the people, which desired only peace and order, had now, as forty years before, no leaders, no concert of action, no mutual confidence, and no power of resistance to the forces of disorder. The first years of the reign were therefore spent in a combat for position.

Three men are chiefly identified with the events of the next eighteen years, — Casimir Périer, Thiers, and Guizot. The first of these was a man of whom any country might

be proud. Of an iron will, and refusing office till it was forced upon him by an appeal to his patriotism, he saw that the first necessity of France was a strong government, and set himself to suppress anarchy and restore order, yet only by the power of the law. "It is only weak governments," he said, "which have recourse to exceptional methods. If the Chamber gives us arbitrary power, we will not make use of it." His first difficulty was with the king. One of the advantages of the English Revolution was that William III. was almost wholly absorbed in Continental affairs, cared very little about the government of England, and was perfectly willing to change his ministers at the bidding of Parliament, if only the Parliament would have a will of its own. Louis Philippe, on the other hand, had decided opinions and was reluctant to yield them. Reigning without governing was not at all to his taste. One of the chief faults of his reign was that he could not respond frankly to the popular will, hampered those who did not agree with him, and obstinately supported those who did. But the imperious P  rier compelled submission to himself as a necessity. He was equally peremptory with his colleagues and with subordinate functionaries. Through all France he suppressed riots with a strong hand and continued to prosecute the rioters, though the juries almost as regularly acquitted them. He made large use of the press, though in this field the opposition papers were too strong for him. It was in the debates of the Chambers, which were almost in continuous session, that he put forth his utmost strength. He would tolerate nothing but direct opposition. "I do not care for my friends when I am right. It is when I am wrong that they must support me."¹

¹ See Thureau-Dangin. "Monarchy of July," Vol. I., for the character of P  rier, though this quotation is from a "Memoir of Thiers," by Charles de Mazade. The former author says (Vol. IV., p. 372), speaking of Lord

By threats of resignation, he forced the various groups to take one side or the other, and did more to consolidate the Chamber into two solid parties than any French statesman has ever done. His power in this respect was greatly increased by his skilful management of foreign affairs, combining a resolute assertion of the national dignity with an equally firm maintenance of peace. Such a career, extended over many years, might have modified the history of France. But the conflict was too much for his strength, and he died on the 16th of May, 1832. The forces of disorder which he had repressed again sprang into life, and, while the succeeding ministry was equally determined upon resistance, there was more of uncertainty in its combined action. The Republican insurrections in Lyons and Paris and the Royalist risings in *la Vendée* led to severe measures, till the disastrous attempt upon the king's life by Fieschi was followed, somewhat illogically, by the laws of September, 1835. These had reference, partly to the constitution of juries, but mainly to the press. Their avowed object was to suppress Legitimist and Republican papers, and to permit only those supporting the existing government. Any publication exciting to a change in the form of government of 1830, to destroy the order of succession to the throne, or urging the citizens to arm against the royal authority, was to be punished with imprisonment for a term ranging from five to twenty years, and a fine not

Palmerston in relation to the affair of Mehemet Ali, "The most extraordinary thing in all this business is to see a group of men consent to go along with a man who not only inspires them with no confidence, but whom they believe to be politically dishonest and treacherous, and to see them discuss seriously with him the adoption of particular measures, with the certainty that he will not loyally carry them out." It is precisely this traditional self-control and submission when circumstances seem to require it, even though sometimes carried to excess, which gives to English statesmen the superiority over the untrained and inexperienced men who think they must insist upon their own views even though it brings all business to a stand.

exceeding \$10,000. It was forbidden, moreover, under lesser penalties, to assume the name of Republican, to criticise the king in the discussion of acts of government, to publish an account of political trials or of the private deliberations of the jury or to give their names, or to subscribe in favor of condemned newspapers. Newspapers were required to give security in amounts of \$10,000 to \$20,000 in cash, and editors were held responsible for articles unsigned.¹

The next few years turned upon the rivalries of Thiers and Guizot, probably not greater than those constantly occurring among British ministers, but not based upon or restrained by strong party support. They were both, beyond question, patriots and honest men, but were left too much to the guidance of their own will and intelligence. They were not held in check by public opinion, because there was no public opinion. In England the great mass of public opinion was generally on the side of the ministry of the day against extremes of faction on either side, compelling them to use moderation, and rely on the force of argument. In France, in reality, there was to be after 1820 only two determined enemies, the Right and Left, seeking to destroy and not convert each other, each being at the mercy of the violent on its own side without any interposing mediator.² Both statesmen were great admirers of English parliamentary government, and aimed to introduce it in France; but the conditions were wanting, both on the side of the Parliament and on the side of the king. They could attack and overthrow an existing ministry, but they could not set up another on any firmer basis.³ Nothing was more fatal to

¹ La Rousse, *Encyclopédie*, article "Lois de Septembre. 1835."

² Thureau-Dangin, "Le parti libéral sous la Restauration." p. 102.

³ The period of 1833 to 1848 was one of intellectual anarchy. Even the eighteenth century was less agitated. There were Legitimists, Ultramontanes, Bonapartists, Republicans, Socialists, and Socialists of ten

the dynasty than the coalition against the ministry of Molé. The latter represented an attempt on the part of the king to get rid of ministerial dictation, and to govern according to his own ideas. The evil of this was that it brought the king himself into discussion and weakened his hold upon public respect. The government of M. Thiers, which after an interval succeeded that of Molé, failed because that minister was at once too much in sympathy with revolutionary ideas and too warlike, at least in appearance, to suit the king or the conservative members of the Chamber, and on the 29th of October, 1840, Guizot took the head of the government, to hold it for eight years, until the downfall of the monarchy.

Of the memoirs of Guizot it has been pleasantly said that they were the autobiography of a man who never made a mistake.

He began with assurance, continued with certainty, and ended with infallibility. . . . It was very difficult for him to understand that universal history, or at least modern history, should not be an introduction to the government of Guizot. He belonged to the class known as doctrinaires, and his theory was that of the "*juste milieu*," avoiding extremes of either kind. A government of the middle class, based upon reason as far as the state of public opinion would admit of it, upon liberty in the degree which would not break with tradition,—this was his ideal, and he found it in the government of 1830. But with the ideas of a philosopher he combined the temperament of a trooper. He had more the attitude of combat than of government, less the air of a prime minister than of an opponent of the Opposition. Men followed him in attack rather than sustained him against assail-

different schools; and all were uncompromising, the Legitimists being absolutists, the Ultramontanes Jesuits, the Bonapartists despotists, the Republicans radicals, the Socialists aiming at chimeras, and all accepting the most singular mixtures which disfigured without moderating them; the Legitimists demanding universal suffrage, the Bonapartists appealing to the French Revolution, and the Republicans proposing, under the colors of democratic propagandism, the policy of conquest. It is more than intellectual anarchy; it is cacophony. (Émile Fagniet, "Guizot," *Revue des Deux Mondes*, July, 1890.) And over all this chaos, there was wanting any consistent and established framework of government.

ants. He was just the person to discipline the men of the centre, who were delighted to find their ideas carried out with such vigor. One weak spot there was, that, in 1838, he had quitted his party on account of his resentment, and, in aiding to overthrow Molé, had given to his group an example of indiscipline which he did not admit against himself. Commanding a majority in the Chamber the first object for him was to maintain that majority, and Guizot set himself resolutely against any extension of the suffrage. By the charter of June 14, 1814, the qualifications were, for electors, thirty years of age and direct taxes of 300 francs, and, for elected, forty years and direct taxes of 1000 francs. The law of April 19, 1831, fixed the voting qualification at 200 francs and of eligibility at 500 francs of direct taxes. In 1830 the electors were 99,000, in 1842 224,000, and Guizot thought reform had gone far enough. Only a few months before 1848, hearing a deputy exclaim that the day of universal suffrage would come, he exclaimed, "No! there is no day for universal suffrage! There is no day when all human creatures can be called upon to exercise political rights. The question is not worth turning to from that on which I am now employed." And yet, in resolutely resisting universal suffrage, Guizot did not see that it was not opposed to his views. French universal suffrage is as firmly pacific and conservative as Guizot was, and the policy of conservatism, the policy of peace at any price, and the policy ignorant of or hostile to chimeras, which was the policy of Guizot, is that of our universal suffrage, when it is left to itself and not deceived, as would have been the case with Guizot. But that that was universal suffrage, neither Guizot nor anybody else then knew or imagined. The universal suffrage here described was that of the French peasant, and every one ignored the French peasant, and knew only the upper middle class and the people of the cities.¹

If Guizot, or if the king, changing his ministers in response to the popular will, had made a frank appeal to the nation, based on the peace and prosperity of France during his reign, it is fair to suppose that he would have received a response as favorable as Louis Napoleon did; and if, trusting to that response, he had dealt firmly yet temperately with the people of Paris, France might have been spared much of suffering and disgrace. But the character of the king was as little propitious as that of Guizot. Possessing unquestioned courage, liberality of

¹ É. Faguet, *Revue des Deux Mondes*, article "Guizot," July, 1890.

mind, and skilful prudence, he yet wished to govern too much, to make his personal authority felt. He sincerely believed that, by his unchangeable system, by his own policy through all crises and public fluctuations, he had almost or quite alone saved the country from war and anarchy, and was convinced of the necessity of his royal power. Though he met only with respectful obedience in his family, his son, the Prince de Joinville, wrote to his brother from his ship at Spezzia : —

I begin to be seriously frightened. The king is inflexible and will listen to no opinion but his own. His will must settle everything. There are no longer any ministers, their responsibility is nothing, everything goes back to the king. The king is at an age when he no longer accepts observations. He is accustomed to govern and likes to show that it is he who governs. His immense experience, his courage, and all his great qualities make him encounter the danger boldly, but none the less the danger exists.¹

The result was that the unpopularity of the government recoiled upon the king. While somewhat impatient of the imperiousness of Guizot, Louis Philippe thoroughly agreed with and supported his policy. In foreign affairs the policy of peace was not always accompanied with the dignity which is so important in French eyes, while the affair of the Spanish marriages alienated English sympathy almost to the point of rupture. In internal affairs king and minister adhered to the policy of resistance, which meant conservatism until it meant revolution.

It was not merely universal suffrage to which Guizot was opposed, but any extension of that privilege. His theory implied government by the middle class, and he imagined he had got it. His failure was in not seeing that there was not one middle class but many, that besides the actual rich there was a large class steadily gaining in wealth before he came to the multitude who had nothing. The fact is that the middle class, the object of the predilection of Guizot, has never governed France.²

¹ Charles de Mazade, "Monsieur Thiers," p. 175.

² Faguet, *ut supra*.

From 1815 to 1848 France was governed by an aristocracy. If, at least in the latter half of the period, it was an aristocracy of wealth, it was freed from the sense of responsibility which more or less belongs to that of birth and is conveyed in the phrase *noblesse oblige*. The Chamber reasoned like Guizot. "We are not an aristocracy. We are a middle class, and therefore we cannot make a mistake." Animated in his resistance by a dread "of the ideas of '91," Guizot denied the existence of any demand from the country for electoral reform. The ministry had a majority in the Chamber, which was all that the conditions of parliamentary government required, and with the firm conviction that they were right, they did not hesitate to resort to political methods of maintaining that majority in the elections. But if there was no direct demand from the country, there was a distinct current of feeling in favor of reform.

The last time the question was put in the Chamber, a few months before 1848, the vote was 189 against 122, which, in an assembly made up almost wholly of rich men, containing also a number of functionaries and thoroughly drilled and disciplined by an aggressive leader, showed a very strong minority. No effort was made to ascertain or to conciliate public opinion. If Guizot, or the king, through another ministry, had brought forward even a moderate measure of reform, claiming the merit of a concession to public opinion, and accompanying it with strong measures for the preservation of order, it might have stemmed the tide of democracy, which once more led France through anarchy back into the arms of despotism.

Let us recur again to English experience. Suppose that in 1830, when the public passion was rising, King William IV. had set himself to govern Great Britain according to his honest and sincere ideas of what was

best for the country, that he had called the Duke of Wellington to his aid, and that these two had persistently refused to modify their ideas or their system. Suppose that by a practice growing up through several centuries England had been governed from London, even in all details of local affairs; that the whole island had become accustomed to wait for guidance from London in all political movements; and that, partly as an effect and partly as a cause, the contest had not been one of party against party, and class against class, looking towards official and trusted mediators, but of group against group, and man against man, without any mutual confidence and coöperation, but on the contrary with widespread suspicion and distrust. Suppose that the press, instead of being moulded to traditional dependence upon a moderate and conservative public opinion, had been exasperated in its first stages of freedom by fine and imprisonment into a spirit of bitter and savage attack upon the whole framework of government. Suppose that the population of East London had had before them the precedent that twice within as many generations their predecessors had overthrown and shattered in pieces the whole established government of the country, leaving the work of reconstruction in the hands of their own self-constituted leaders: is it so certain that the result in Great Britain would have been entirely different from that in France?

CHAPTER X

FRANCE — THE FALL OF THE MONARCHY OF JULY

PERHAPS there is no event in her history which has done more to lower France in the estimation of the world than the Revolution of 1848. The old monarchy had a glamour and brilliancy which gave it a high place in the world's affairs as they then stood, but the evils and the injustice which it brought about furnished some excuses for the first Revolution, even in the eyes of those who most bitterly condemned that event. The First Empire, though infinitely more disastrous to France than the Revolution, covered its sins in a blaze of military glory. The Revolution of 1830 had its explanation, if not justification, in the ineptitude and the reactionary character of Charles X. and his surroundings. The errors and calamities of 1870-71 were condoned by the courage, the endurance, and the elasticity of the French people. But in 1848 France had enjoyed eighteen years of constitutional government. It had maintained peace abroad and in good measure at home, and the country had advanced greatly in wealth and prosperity. The king was humane, liberal, and well intentioned, and it seemed as if gradual reform might have remedied the moderate comparative disadvantages from which the country suffered. But all this was overturned at a blow, the country plunged into anarchy, civil war averted only by fierce bloodshed in Paris, and after a few years of hesitation and fear the nation was handed over to despotism almost as mean and contemptible as that of Louis XV. How these things came about,

and what light they cast upon popular government, is a problem worthy of much more careful study than it has yet received.¹

At the end of the year 1845 the ministry of Guizot had lasted five years, and in spite of the attacks of the Opposition had firmly held its own, and with continued success had greatly increased its strength. The government had declared its intention of dissolving the Chamber after the session of 1846, and members were anxious to stand well with a ministry which would have to manage the elections. At this point the Left Centre, seeing it had nothing to hope for from the Centre itself, entered into an alliance with the Left, and a formal treaty was drawn up by Odilon Barrot and Thiers as the respective leaders. It was based upon electoral and parliamentary reform with the repression of electoral corruption as the principal points, and with the idea also of proposing modifications in the laws of the jury and the press.

The Radicals of the Chamber, without taking part in the treaty of alliance, showed themselves disposed to second the campaign which it implied. Feeling that the day of the Republic was still distant, and discouraged as to conspiracies and riots, they thought it expedient to identify themselves with parliamentary action. Outside of the Chamber all Republicans did not take this view. The *National*, indeed, the organ of M. Thiers, gave it support, but it could not claim to speak alone for the Republicans. In 1843 a stenographer of long standing, much mixed up with secret societies and a devotee of 1793, M. Flocon, had founded the *Reforme*. The new paper had a severe struggle at starting. It had not nearly as many sub-

¹ In this account of the events which led up to the Revolution of 1848 I have followed the excellent work of M. Thureau-Dangin ("History of the Monarchy of July"), having consulted most of the authorities which he sums up. If he errs at all, it is in being too favorable to the government of Louis Philippe.

scribers as the *National*, which yet did not much exceed three thousand. It existed only by means of pecuniary advances by Ledru-Rollin, whom Flocon had contrived to reach by playing upon his vanity and ambition. The *Reforme* was strongly Jacobin, inclined to socialism, and regarded the pretensions of the *National* with a jealous and suspicious eye, while the managers of that journal in turn did not conceal their contempt for the upstarts who aimed to share the direction of the party. These dissensions did not fail to make themselves felt under the Provisional Government.

Finding that in their attack on the government all other expedients failed, the new opposition bent themselves to develop the charges of corruption and of the exertion of personal influence on the part of the king. There is no doubt that offices and favors were used to hold the majority together, and that Guizot, while personally pure, did overlook doubtful acts on the part of others, which the public was disposed greatly to exaggerate, especially in view of the limited character of the "*pays légal*," or category of voters. Again, the manner in which the king laboriously devoted himself to public affairs, giving his days and even his nights, and, while anxious not to transgress constitutional limits, showed a spirit of meddlesome interference and irritating dictation, failing to understand that it is sometimes wise to appear indifferent and to keep silent,—these things did not justify the accusation of the use of personal power, but they facilitated it.

Contrary to the expectation of the government itself, the elections gave it a large majority, as shown in the Chamber by its vote for president, 223 against 98. There were in the Chamber no less than two hundred functionaries, or persons in government employ. It was almost wholly a representation of private interests. The very strength of the majority had the disadvantage that it

sovereignty, to the Revolution of 1830, to the deputies, to the City of Paris, to the amelioration of the working classes,—none was drunk to the king. The dynastic opposition had yielded this point to the Republicans.

The more the banquets were multiplied, the more the revolutionary element got the upper hand. The dynastic opposition had agreed that the toast to the king should be given or omitted according to the locality. In fact, it was always omitted, and the leading socialists came forward as speakers even when the presiding officer, as was generally the case, was Odilon Barrot, a pronounced monarchist. Ledru-Rollin and the *Reforme* newspaper had held back at first from the banquets because they seemed too unimportant, but as soon as their success was assured began to take part in them. At Lille, on the invitation of Charles Delescluze, one of the leading communists of 1871, Ledru-Rollin and Flocon were present. Odilon Barrot, alarmed at this, though he could not ask for a toast to the king, demanded one in favor of the institutions of July. The banquet committee, prompted by Delescluze, refused. Barrot declared that in that case neither he nor his friends would attend. The committee dispensed with them, and thus Ledru-Rollin became the principal speaker, denouncing the whole condition of society.

From the beginning of July to the end of December the campaign of the banquets lasted six months, their real activity beginning in September. They were seventy-seven in number, with about seventeen thousand guests. While they were at first contemptible, even the conservatives began to see their importance, and the ministry to doubt whether they ought not to have been prevented. The promoters had succeeded, but at what cost! They had been obliged to set in motion forces wholly disproportionate to the limited reform they had in view. They had

gone on declaring that the liberty, the fortune, the honor, the probity of the nation had been compromised, that everything was corruption in the existing society and government. They had attacked the king, charging him with having broken his promises, and with seeking to establish his own power; and they did this, not in a parliamentary body, but all over France, before crowds who took them at their word. There was but one logical conclusion to be drawn — that a government so disastrous and so corrupt should be overthrown. They had started the movement, and the Radicals had taken it up.

The opening of the session was announced for the 28th of December, 1847. The Opposition, heated by the banquets, came in a state of great excitement and resolved to stop at nothing. More serious still were the distrust and anxiety of the great mass which plays the part of spectators in the political drama. Everything contributed to this distrust, the mishaps of the last session, the sufferings of the economic crisis, and, above all, the doubt which had fallen upon the morality of the existing system.

Former ministers, peers of France, brought to judgment for selling their consciences or for murders, ambassadors cutting their throats or seized with madness, such scenes taking place within a short time might be represented as the signs of a failing system.¹

De Tocqueville did not hesitate to say in the first days of 1848: —

For the first time perhaps in sixteen years, the feeling, the instinct of instability, the feeling which precedes revolutions, which often announces them, which sometimes gives birth to them, exists to a very great degree in the country. I believe that the public manners, the public mind, are in a dangerous state. I believe, moreover, that the government has contributed in the most serious manner to aggravate the danger.²

And M. Thiers said at the same time, not in the Chamber, but in familiar conversation: —

¹ Mazade. "Life of Thiers," p. 179.

² "Souvenirs," p. 24.

sovereignty, to the Revolution of 1830, to the deputies, to the City of Paris, to the amelioration of the working classes,—none was drunk to the king. The dynastic opposition had yielded this point to the Republicans.

The more the banquets were multiplied, the more the revolutionary element got the upper hand. The dynastic opposition had agreed that the toast to the king should be given or omitted according to the locality. In fact, it was always omitted, and the leading socialists came forward as speakers even when the presiding officer, as was generally the case, was Odilon Barrot, a pronounced monarchist. Ledru-Rollin and the *Reforme* newspaper had held back at first from the banquets because they seemed too unimportant, but as soon as their success was assured began to take part in them. At Lille, on the invitation of Charles Delescluze, one of the leading communists of 1871, Ledru-Rollin and Flocon were present. Odilon Barrot, alarmed at this, though he could not ask for a toast to the king, demanded one in favor of the institutions of July. The banquet committee, prompted by Delescluze, refused. Barrot declared that in that case neither he nor his friends would attend. The committee dispensed with them, and thus Ledru-Rollin became the principal speaker, denouncing the whole condition of society.

From the beginning of July to the end of December the campaign of the banquets lasted six months, their real activity beginning in September. They were seventy-seven in number, with about seventeen thousand guests. While they were at first contemptible, even the conservatives began to see their importance, and the ministry to doubt whether they ought not to have been prevented. The promoters had succeeded, but at what cost! They had been obliged to set in motion forces wholly disproportionate to the limited reform they had in view. They had

gone on declaring that the liberty, the fortune, the honor, the probity of the nation had been compromised, that everything was corruption in the existing society and government. They had attacked the king, charging him with having broken his promises, and with seeking to establish his own power; and they did this, not in a parliamentary body, but all over France, before crowds who took them at their word. There was but one logical conclusion to be drawn — that a government so disastrous and so corrupt should be overthrown. They had started the movement, and the Radicals had taken it up.

The opening of the session was announced for the 28th of December, 1847. The Opposition, heated by the banquets, came in a state of great excitement and resolved to stop at nothing. More serious still were the distrust and anxiety of the great mass which plays the part of spectators in the political drama. Everything contributed to this distrust, the mishaps of the last session, the sufferings of the economic crisis, and, above all, the doubt which had fallen upon the morality of the existing system.

Former ministers, peers of France, brought to judgment for selling their consciences or for murders, ambassadors cutting their throats or seized with madness, such scenes taking place within a short time might be represented as the signs of a failing system.¹

De Tocqueville did not hesitate to say in the first days of 1848: —

For the first time perhaps in sixteen years, the feeling, the instinct of instability, the feeling which precedes revolutions, which often announces them, which sometimes gives birth to them, exists to a very great degree in the country. I believe that the public manners, the public mind, are in a dangerous state. I believe, moreover, that the government has contributed in the most serious manner to aggravate the danger.²

And M. Thiers said at the same time, not in the Chamber, but in familiar conversation: —

¹ Mazade. "Life of Thiers," p. 179.

² "Souvenirs," p. 24.

The country is marching with a gigantic pace towards a catastrophe which will break either before the death of the king if he has a long old age, or shortly after.”¹

It was remarkable that at the end of 1847 it was the extreme radicals who were farthest from believing in an approaching revolution. Many of them, holding to the republic in principle, thought that the only practical course was to sustain the monarchy. The *Reforme* journal was on the point of failure for want of support. Nor was there any thought of the possibility of revolution in the ranks of the dynastic opposition. They did not believe in the revolution and did not want it, and only thought of it as a means of intimidating the immovable majority. Many of the conservatives thought that a new ministry should be called to make some concession to public opinion; that the old one had lasted too long and was worn out by constant fighting, while the Opposition could rest at pleasure.

Guizot, as far as domestic affairs were concerned, was willing to resign, but felt that foreign affairs required his presence. A deputy of the ministerial side, M. de Morny, afterwards famous, urged upon Guizot to make some concession to the popular will, which it would be dangerous to refuse. Guizot said that another ministry should be put in to do this. De Morny replied, ‘There is nobody to lead. It would mean more than a defeat of the Cabinet. It would be the utter disorganization of the conservative party.’ All efforts were, however, shattered against the will of the king. He refused to change his ministers, would not listen to any talk of reform, appealed to Guizot to stand by him, and took his stand upon the constitutionality of his action. Still the majority of the majority was more than half convinced. It seemed as if a little patience and moderation on the part of the Opposition would

¹ Mazade, *op. cit.*, p. 180.

attain the desired end by peaceful means. What was really wanting was the tradition of parliamentary government, the training in party organization, which make the difference of the history of England.

On the 28th of December the two Chambers were assembled to hear the address of the king, which was read by Louis Philippe, then seventy-five years of age, fatigued and depressed, in a feeble voice. It contained this expression, "In the midst of an agitation fomented by blind or hostile passions one conviction sustains and animates me." To form some faint idea of the effect of this we may try to imagine what it would have been, even in peaceful England, if Queen Victoria, in an address delivered to Parliament in person during the ministry of Lord Salisbury, had used such words with reference to the Liberals and Home Rulers. This phrase formed the keynote of the battle over the address in reply, which raged during no less than twenty sessions, until the 12th of February. On the 8th of February an amendment proposing the suppression of the words 'blind or hostile' was defeated by a vote of 228 to 185. An amendment was proposed by M. Sallandrouze, a rich carpet manufacturer, which, without detracting anything from the condemnation of the banquets, expressed the hope that the government would take the initiative of 'wise and moderate reforms,' especially of 'parliamentary reform.' A certain hesitation on the part of Guizot was decided by an almost contemptuous refusal from the king, and the minister, not perhaps unwillingly, while he softened this direct refusal, held out only the possibility of some indefinite action in the future. The amendment was rejected by 222 against 189, and the address supporting the policy of the government as a whole was passed, 244 to 241.¹

A new stimulus had been given to the Opposition. Im-

¹ Thureau-Dangin, "Monarchie de Juillet," Vol VII., pp. 387-392.

mediately after the opening of the session the leaders of the Left Centre and the moderate Centre, thinking it was time to stop, agreed that they would have nothing more to do with the banquets. Certain persons thinking, on the other hand, that the campaign begun in the provinces should be concluded in Paris, it was proposed to hold two banquets, one in the second and the other in the twelfth ward. Odilon Barrot and Duvergier de Hauranne refused to join, and asked the promoters to give it up. Those of the second ward yielded, but those of the twelfth declined to do so. The government, by the prefect of police, refused authority and threatened to interfere. Immediately the Opposition turned round, supported the banquet, and attacked the government in the most violent manner, referring to Charles X. and saying that resistance would mean revolution.

On the 13th of February, after the address was voted, a meeting of deputies of the Left and the Left Centre was held, with Odilon Barrot presiding. The question was as to holding the banquet. Marie, of the party of the *National*, objected that a banquet in the present state of feeling and among so excitable a population was like lighting fireworks among combustibles. Among his radical friends he had said, 'If we are ready for a revolution, give your banquet. If not, it will cause a riot, and I don't want that.' It was the dynastic opposition joined with the less timid radicals who refuted him. They did not want an outbreak, but thought they could encounter it, taking care to throw the responsibility on the government. In a meeting where the dynastic opposition was in an immense majority they voted for the banquet, 70 to 18. It can be said that there was no conspiracy or plan of revolution among the radicals. Marrast of the *National* said to Odilon Barrot and Duvergier de Hauranne, 'I dread a collision a hundred times more than you. It is my party

which would bear the responsibility.' At the same time the supporters of that journal did go so far as to discuss the Republic and whether Jerome or Louis Napoleon would be the most available of the Bonapartes, decided in favor of the latter, and notified him in London.

On the 19th of February, both parties becoming frightened, a compromise was effected with the government, according to which the banqueters were to assemble and then be summoned by the police to disperse, and thus a case would be made up for the courts to decide. Everything was thus looking peaceful, when on the 20th of February the *Reforme*, the *National*, and the *Democratie Pacifique* published a programme for a procession to escort the deputies, which was of far greater significance than the banquet itself. It summoned the population into the streets. Drawn up in the form of an order of police, or rather of battle, the programme disposes of the public streets, gives the order of march and the stations of each group, and more than all, as if deliberately to substitute revolutionary power for that of the government, it invites the National Guard to take part in uniform, if not with arms, and to march by regular legions with officers at their heads. It was Marrast, as a member of a sub-committee, who prepared this, and upon the demand of another member submitted it to Barrot and Duvergier de Hauranne. They carelessly recommended a milder tone, and Marrast, left to himself, issued it nearly in its original shape.

This was too much. It was a clear violation of law, and the government issued a proclamation accompanied by notices, including: 1. an order of General Jacqueminot, reminding the National Guards that they could not turn out as such without an order from their chief; 2. a decree of the prefect of police formally prohibiting the banquet; and 3. the ordinance with respect to public assemblies. The government determined to make a grand military

demonstration upon the plan prepared by Marshal Gérard in 1840 for the case of troubles in Paris. This plan, assuming the combined action of the National Guard and the army, provides for everything, the division of zones, the position of each corps, their means of connection, and mode of combat. The Minister of War said he had 31,000 troops at command, well supplied with food and munitions. It is strange to read of the entire feeling of security on the part of Guizot and the king, as well as of the prefect of police, a man of the highest character, M. Delessert, notwithstanding the earnest warning given to the latter by members of the municipal council.¹

There has been such complete recovery from the old illusions as to the National Guard that it is difficult to imagine the ideas which prevailed on this subject in the first half of this century. The National Guard had come to consider itself not as a part of the public force in the hands of the authorities, but as 'the political city under arms,' judging the government before supporting it, and entitled, in case of need, to express its criticisms or its demands. The monarchy of 1830 in its origin had contributed not a little to exalt pretensions which were destined in the end to prove so fatal to it. The National Guard had repaid its flatteries at the time by furnishing for the repression of riots a force which in the disorganization succeeding a revolution could not have been found elsewhere. Even then it was inclined to bargain for its assistance, and there never was any certainty that it would not take the idea into its head of refusing that assistance. But the material danger being past and the new royalty getting more firmly seated, the disadvantages of the institution alone remained, and it was the regular game of the Opposition to raise up embarrassment to the government through it. The annual review by the king became a

¹ See the account of the Revolution of 1848 by Maxime du Camp.

veritable nightmare to the ministry on account of the manifestations which it was feared might be brought forward. Thiers first ventured to countermand it in 1836. Reëstablished in 1837, it was finally suspended in 1840. Visibly, as the government began to free itself from its origin, it showed more and more of coldness and distrust towards the National Guard. But worse than this it showed negligence in the choice of a commander-in-chief. After Lafayette was got rid of, the post had been given to Marshal Lobau, one of the finest veterans of the imperial wars. By his personal prestige, his activity, his mixture of firmness and of rough good nature, he had succeeded in keeping well in hand this insubordinate and capricious force. The armed citizen felt flattered by being treated with such familiarity by such an illustrious warrior. Dying in 1839, Marshal Lobau had been succeeded by Marshal Gérard, another military celebrity, but whose health obliged him to resign in 1842. Whether or not the material security then enjoyed had made the place to be regarded as a kind of honorable sinecure, the next choice fell upon General Jacqueminot, of recent promotion, without warlike reputation, and having reached under the Empire no higher grade than that of colonel. Apart from his devotion to the king, his principal title consisted in being father-in-law of one of the ministers, and having been as deputy an influential member of the majority to which the ministry of 1842 felt bound to assign some rewards. He was no longer young, and his health was broken, so that at the last he was hardly able to leave his chamber or to rise from his armchair. With excellent intentions, therefore, he was physically and morally unable to exercise upon the National Guard the personal influence which was with them the principal and almost the only weapon of command.

On the 22d of February, as soon as trouble began, the

opponents of the ministry had challenged them to call out the National Guard. The government might have replied, 'We will not, because you have labored to make it an instrument of disorganization, which from its nature it is likely to be.' But that would have caused a scandal, and on the assurance of General Jacqueminot that the force could be relied on it was decided, at five o'clock in the evening, when the orders were given to occupy the city with armed force, at the same time to beat the call for the National Guard. Only a few men had responded, and those of doubtful disposition. On the 23d the *rappel* was made general all over the city. More men came, but the cry arose and the feeling spread that they should interpose between the government and the people and oblige the king to change his ministers and grant reform. Many who supported this idea would not for the world have contributed to overthrow the monarchy. But they foolishly imagined themselves engaged in a work of pacification. Their vanity was tickled with the importance of this part of arbitrators, and they were not sorry to give a lesson to a government accused of so many crimes at home and abroad. Those who thought themselves and perhaps were in a minority, because so many conservatives had stayed at home, were intimidated and silent. Now was felt the want of a superior command. Formerly not a trouble broke out in the city, not a drum-beat sounded, but one saw old Marshal Lobau going from one *mairie* to another, visiting all the posts, haranguing, directing, and stimulating the National Guard. His successor could not leave his chamber; nobody saw him. He was not even represented at the different corps by trusted officers to supervise and direct the execution of the general orders. As one after another of the legions declared against the government, the army which had thus far fought sadly but without hesitation was demoralized and shaken. In the St. Denis

quarter a passer-by asked an officer, "Is the riot serious?" The officer shrugs his shoulders in sign of ignorance. "Ah!" he said, "it is not the riot which I am concerned about." "What is it, then?" "The National Guard, which, if this goes on, will amuse themselves with firing at our backs." About the same time at the Place de l'Odéon two detachments, one of soldiers of the line and the other of the National Guard, came together. The commandants salute each other. "What will you do if a crowd of people present themselves?" "I shall do as you do." "But I shall not disperse the column. I shall let it pass." "I shall do as you do," repeats the line officer. "My soldiers will do as the National Guard does."

Bad, however, as was the encouragement of the violent and the discouragement of the army, the conduct of the National Guard was to have an effect still more serious. As soon as the news of its defection reached the Tuileries it caused a sort of panic. The National Guard had been regarded as a sort of bulwark of the monarchy, and this was outwardly said more than it was believed. If this should fail, what would happen? Officers of the Guard arrived declaring that they were ready to die for the king, but that the ministry was held in execration. If only the ministry was dismissed, the National Guard would restore order. Among the members of the court there were numerous opponents of the ministry. Why, they said, should the monarchy perish for a man? And they found a powerful supporter in the queen. She had become very impatient for that which she regarded as the only efficient remedy. On the 15th of February she had requested M. de Montalivet, the intendant of the civil list, to urge it upon the king, but he having been several times rebuffed, begged the queen to take it upon herself. Unaccustomed to speak to her husband upon political affairs she had postponed it, but on the 23d, frightened by

the news as to the National Guard, and forgetting that a concession which could be made with honor to public opinion could not be so made to an insurrection, she ran in despair to the king and employed all the resources of her tenderness to make him share her anxiety and emotion, and to give up a cabinet which threatened the existence of the monarchy. Up to this moment Louis Philippe would have dismissed the queen, gently telling her she was interfering with what she did not understand. But now he was himself thoroughly shaken. No doubt the army could be relied upon, but if he kept up the struggle he must at any cost get rid of the National Guard and if necessary order it to be fired upon. By his nature and education he shrank from the shedding of blood, not seeing that hesitation in such a crisis would cause more bloodshed than the most energetic resistance. There was still another cause of hesitation. There was a saying that the Charter of 1814 had been "granted" by the king, while that of 1830 was "granted" by the people. The Revolution of July gave Louis Philippe his crown by the action or acquiescence of the people of Paris, and the National Guard had given their support. How could he, as he afterwards said, fire upon his electors?

While he was in this state of mind M. Duchatel, the Minister of the Interior, arrived on his way to the Chambers at about two in the afternoon on the 23d. To the inquiry of the king he replied that the outlook was dark, but that with energy of resistance they should get through. The king assented and added "that advice came to him from all sides to change his Cabinet, but that he did not approve of it." M. Duchatel replied that he was ready to do as the king wished, but that concession to violence against lawful authorities was not a means of safety, and that one defeat would lead to another. "I agree," said the king, "that we must stand firm, but I want you to talk

with the queen. She is very much frightened." The queen then enters in a state of much excitement. "M. Duchatel, I know the devotion of M. Guizot for the king and for France. If he will consult that, he will not retain power for another moment. He will ruin the king!" After further hesitation on the king's part, M. Duchatel leaves for the Chamber and returns with Guizot. The king receives them in the presence of the queen and of his two sons. A short conversation ensues, and the ministers place their resignation in the hands of the king, who accepts it with expressions of regret. At a later time it became a matter of disagreement, whether the king had dismissed them or they had responded too hastily to his hesitation.

M. Guizot returned to the Chamber, which was becoming more and more agitated in the absence of the ministers. Refusing answers to all questions, he announced that the ministry had resigned, and that the king had called in M. Molé to form another. Instead of fairly meeting the change and sending for Thiers or Barrot, the king had applied to Molé of the conservative party, and precious time was lost in finding out that he could not form a ministry, and that his name did not appease the popular discontent.

Meantime the great city was left almost wholly to itself, with a populace growing more and more excited, a National Guard divided, but in the main hostile to the government, and regular troops left without any definite command or orders. About half-past nine in the evening of the 23d, a crowd proceeding through the street with torches came upon a detachment of the fourteenth of the line in the Boulevard des Capucines. The lieutenant-colonel pleads his orders and courteously refuses passage. A mass of spectators assembles on the sidewalks, speculating as to which side will have its way. Suddenly

a shot is fired, then one or two more, and then the soldiers, having received no orders, deliver a volley. The crowd takes to flight with cries of fear and horror, and — a strange sign of the condition of affairs — the soldiers, in spite of their officers, also take to flight, and a troop of dragoons, which was behind them, makes off in the direction of the Madeleine, leaving the street vacant, except for some fifty persons dead and wounded in pools of blood. By degrees soldiers and people return, and the lieutenant-colonel sends a messenger expressing the deep regret of the troops for this ‘terrible mistake.’ The people of course would not listen, but seizing a passing wagon they place sixteen corpses upon it, and with workmen mounted upon the sides and holding torches it is paraded through the streets of the city till two in the morning, with cries of ‘Vengeance ! They are murdering the people !’ And the people respond, descending into the streets in a cold rain, building barricades, breaking into armorers’ shops and preparing for the next day’s battle.

About midnight the king was officially informed that Molé could not succeed in forming a ministry, and he was obliged to send for Thiers. But it was not till half-past two in the morning that the latter reached the Tuileries, and then time was spent in discussing whom the king would accept as ministers, and whether the Chamber should be dissolved. At four o’clock, the king having finally yielded, Thiers departed on his mission of forming a government. Meantime, about an hour before Thiers arrived, Marshal Bugeaud had responded to a summons from the king to take command of the army. He was an old African soldier of vigor and experience, but with a reputation for severity, and unpopular in the city. He at once set about military occupation of the city upon the plan of Marshal Gérard. One column ad-

vanced successfully through the barricades, reaching the Hôtel de Ville at five o'clock in the morning, with slight loss. Another column in its advance encountered a barricade in the Rue St. Denis. This would easily have been forced, but some National Guards and citizens approached General Bèdeau, announced the appointment of a new ministry under Thiers and Barrot, declared that order would soon be restored, and begged him to await further orders. The general, an excellent officer though of a temporizing character, consented to wait while one of the citizens could carry out the proposal of procuring instructions from Marshal Bugeaud. It is significant of the state of confusion and uncertainty in all minds, that even the marshal allowed himself to be persuaded by this volunteer citizen, and sent orders to General Bèdeau to suspend the attack and to withdraw his column to the Tuileries. The general, in despair, saw that an orderly retreat was impossible. The way was blocked with barricades, the soldiers were obliged to break ranks, the people mingled and fraternized with them, even taking the cartridges from the boxes at their sides and rifling the *caissons* of a battery of artillery which occupied the way. Much the same thing happened with the other columns which were withdrawn.

About eight o'clock in the morning Thiers, having fulfilled his mission, returned to the Tuileries with Odilon Barrot and other men, of whom he wished to compose the Cabinet. The king accepted the details, and it was agreed that Barrot and some others should go into the streets to calm the people, Thiers being held back by Marshal Bugeaud, who had received a warning that it was dangerous for the former to appear among the crowd. Action was too late, however, as the city was now in the possession of the populace.

It seems to be clear that the uprising had no common

purpose and no chief. Each band acted separately according to the fancy of those who composed it. The political leaders, as much surprised as anybody at the course of events, did not direct it. One of the future members of the provisional government, — M. Marie, — passing by the office of the *National* about ten o'clock, found great excitement, but vague and undefined. 'No plan,' he said, 'was put forward, no resolution adopted. The suddenness of the movement took everybody by surprise.' An hour later he met the editor-in-chief of the *Reforme* — M. Flocon — at the foot of the grand staircase of the Chamber of Deputies, chatting quietly with one of his friends. 'He had,' says M. Marie, 'neither the air nor the attitude of a man who is carrying out in his mind a work of revolution.' And M. Marie adds: 'That which is certain for me is that the revolution led the people of Paris and was not led by them, at least up to eleven o'clock.'

Without superior direction, however, the crowd, by a sort of instinct, marched upon three points — the Tuileries, the Chamber of Deputies, and the Hôtel de Ville. One part, swarming over the palace, compelled the king, who had previously abdicated, to take to flight with his family, ultimately reaching England.

About noon the deputies had assembled in considerable numbers at the Palais Bourbon. The members of the old majority had felt themselves conquered with the fall of Guizot. The test showed how little solidity and resistance there was in this conservatism based almost wholly upon material interests. There was seen hardly a trace of those convictions and that fidelity which strengthen themselves against ill fortune, ready for every devotion and every sacrifice. Every moment brought new tidings of disaster to diminish courage — first the abdication and then the flight of the

king.¹ M. Thureau-Dangin here adds a remark which reaches to the profoundest depths of popular government: "Besides, an assembly can only act upon condition of being led, and none of those whom the Chamber was accustomed to follow were present. The members of the former Cabinet had been obliged to provide for their safety, and as for the new ministry, nobody knew where they were or even who they were." We shall have by and by to examine the conduct of assemblies which have never been led at all.

A little before one o'clock Thiers makes his appearance, and the deputies crowd around him, but he only increases the panic. He confirms the report of the departure of the king, knows nothing of the Duchess of Orleans, fears it is too late to save the regency, declares that the troops will not prevent the people from passing, and that the Chamber will soon be invaded. Then, waving his hat in an attitude of despair, and crying, "The tide is rising, rising, rising," he takes his leave, retires by a long circuit, so as to avoid encountering the people, to his house in the Place St. George, and is no more seen.

About one o'clock the president, M. Sauzet, decides to open the session in advance of the regular hour. But there were no ministers present. Barrot, who seemed as little disposed as Thiers to appear in the Chamber, remained at the Ministry of the Interior under the domination of the radicals, who had acquired control of him in the campaign of the banquets. But if the government

¹ Troubled visions seeking in what direction fortune lies so as to follow it: apprehensions of adhering to a lost cause: prudence wishing to provide for all contingencies: treacheries watching one another: habits contracted in the incessant shocks of our civil struggles of confounding success with right, egotism with wisdom, knavery with skill; these are the elements which made up towards the end of the reign of Louis Philippe public opinion legally constituted in the Chamber of Deputies. — DANIEL STERN (Comtesse d'Agoult), "History of the Revolution of 1848." Vol. I., p. 270.

did not appear, its place was supplied by the advocates of the Republic sent from the *National*. Up to noon the staff of that paper had only talked of the abdication of the king. Emboldened by the weakness of executive power, they decided that the monarchy must come to an end and be replaced by a republic, made up a list of a provisional government, and sent two delegates to announce to the Assembly this "decree of the people," the people being the coterie of a newspaper with three thousand subscribers.

At half-past one the Duchess of Orleans appeared in the Chamber with her two sons, followed by several officers and National Guards. The Assembly greets her almost unanimously with cries in favor of her son and herself as regent. Meantime the delegates from the *National* arrived, and the crowd of the populace began gradually to fill the hall. It is curious to note that General Ruhlières, a vigorous veteran of the imperial wars, and General Bèdeau, one of the best of the Africans, with several thousand soldiers at their orders, were unable to guard against the invasion of some hundreds of insurgents the legislative enclosure which the Duke de Nemours had charged them to protect, and in which they knew that the Duchess of Orleans was playing the last card of the monarchy.¹ The fact was that after it had been made to give way before the insurrection through orders to avoid all collision, the army no longer existed.

The struggle was short. Lamartine ascended the tribune and, after an opening which seemed to favor the

¹ When the delegates from the Hôtel de Ville passed the Place de la Concorde, General Bèdeau commanded a body of troops in good order. He besought the delegates to procure some orders for him, as he did not know what to do. Some deputies came to ask him to protect the Chamber. He said he could not act without an order from the presiding officer. — DANIEL STERN, *op. cit.*, p. 275.

regency, declared for the Republic, and said that a list of names for a provisional government would be read.¹ The Duchess of Orleans remained to plead the cause of her son till the hall was filled with the crowd and the president had been expelled from his chair, after having declared the session ended. The Guards sent notice that they could not insure her safety, and she then departed, to follow the royal family shortly after.

What took place at the Hôtel de Ville, the third objective point of the crowd, is connected with the history of the provisional government.

In distributing the blame for the events which have been recounted, M. Thureau-Dangin says that the capital fault was beyond question in changing the ministry during the full insurrection. The order to cease the armed struggle, the weaknesses of the generals and the demoralization of the soldier, the absence of all government, were the logical result of this fatal mistake. On the other side, the chief blame must rest with the dynastic opposition which sought only to overthrow the ministry, regardless of consequences, and with the National Guard, which through sheer folly encouraged the insurrection and discouraged the defence; the Opposition preparing the revolution, and the National Guard making it, though neither of them foresaw or desired it.

¹ At the moment when the majority of deputies, accepting — in spite of the opposition of Marie, Cremieux, La Rochejaquelin — the regency of the Duchess of Orleans, was preparing to proclaim the royalty of the Count of Paris, Ledru-Rollin, who had followed in the street all the phases of the struggle, runs to the Chamber to prevent at all hazards this monarchist conclusion. Thanks to his athletic strength he occupies the tribune around which a veritable combat was taking place, remains master of it, takes up the proposition of a provisional government started before his arrival, then allows Lamartine to develop it, till at length the popular flood which M. Marc Caussidière had promised half an hour before to let loose upon the Assembly, swamps and disperses it. — VAPEREAC, "Dictionnaire des Contemporains."

M. Charles de Mazade observes : —

The ministry [of Guizot] failed, not because it wanted courage or because the danger was greater than at other times, as in 1832 and 1834 when formidable insurrections were encountered, but because in the face of a less danger it had less confidence in itself, in its "majority," in public opinion, or in the National Guard. When it faltered before a riot on the 23d of February, that riot became on the 24th the fall of a throne. It perished for faults and errors of conduct which had nothing irreparable and especially were not worth a revolution. It did not fall like the previous monarchy for violating the law, but with the law, and it survived in its beneficent work.¹

The failure of Louis Philippe's reign cannot be charged to universal suffrage or to popular government, because neither of those had yet existed in France. The government was aristocratic just as truly, though in a different sense, as in England before 1830. The agitation for an extension of the suffrage was on precisely the same principle in both countries. Cobden underestimated the importance of the object in France, because there were in the world for him only two things of importance, — the repeal of the corn laws and the gospel of peace. But if the opinions and the wants of the great masses of the people were to find any expression or to receive any attention, it must be by means of a wider basis of representation. The methods of bringing this about, as expounded by the great expert, Richard Cobden, were identically the same in both countries. Nor can it be said that the effect was greatly different. The exasperation of the people against the government and the readiness to proceed to extreme measures were probably as great, and were certainly much more widely spread, in Great Britain in 1830 than in France in 1848. Outside of Paris the population of France took very little interest, as was shown by the violence and the indefiniteness of the language to which it was found necessary to resort,

¹ Thiers, pp. 181-184.

and the character of the agitators into whose hands the conduct of the business fell. The main difference in the two cases was that in England the king and the aristocracy yielded in time, while in France they did not, and this again was mainly owing to the fact that in England the terms offered were definite and the consequences of refusal were clearly perceived. All over the country even the great masses of ignorant people understood that a particular law as to members of Parliament was the object to be aimed at, and they clamored for that law. They understood also that to get that law a particular ministry must be placed in power, and they demanded that ministry. How these things would relieve their sufferings and give them food, they did not understand at all; but they believed it because a class of men whom they were accustomed to rely upon and look up to told them so. On the other hand, there was no such class in France. Those who should have composed it had not been drawn to each other and to the people during two centuries by a common resistance to royal power, nor had they thus learned the necessity of organized, drilled, and disciplined parties, and of selecting leaders and submitting to them. On the contrary, through the predominance of the royal power, exercised by means of taxation, the army, and the Church, they had been wholly disintegrated as a class, had been divorced from and lost all training in political affairs, had been imbued with jealousy and suspicion of each other, and with equal ignorance of and contempt for the great mass who did not share their accident of birth. They had then been expelled from the country by a great uprising of the people, whom they had regarded as brute cattle. They had afterwards returned under conditions involving equal separation among themselves and from the people. It is said that the Revolution of 1848 showed that parliamentary

government was unsuited to the French people. In fact, it only showed that they had no training for that kind of government. Neither king, ministers, nor Parliament had learned to respond to the will of the nation, and the nation had not learned to form or express any will of its own.

Yet if we compare the government of these eighteen years with that from 1789 to 1793, the progress was relatively equal to anything which has taken place in Great Britain in an equal space of time. The king and the ministers had learned that they must govern according to the will of the majority of the Chambers, and the Chambers had learned that the real source of authority was in the electors. The nation as a whole was quite willing to submit to any authority which was able to secure peace and protection. The experiment came so near to success that it offered every encouragement for the future. What was to be the lesson of the next half-century?

CHAPTER XI

FRANCE—THE REVOLUTION OF 1848

LET us suppose that in Great Britain, at the height of the movement for parliamentary reform before 1832, the populace of East London had been persuaded by agitators that they were really the people of the kingdom, entitled to have their wishes regarded, and that it depended only on themselves to equalize their condition with that of the West End; that on a certain day they had moved westward in a mass of from twenty to one hundred thousand men, more or less armed; that the police and even the household troops had given way before them, had broken ranks, mingled and fraternized with the crowd, and had allowed the latter to take possession of their arms and ammunition; that the officers of these troops, in the absence of orders and not knowing what authority to look to, had lost all control of their men; that the upper classes, torn with jealousy and mutual distrust, were paralyzed with fear and uncertainty; that news came that the king and the royal family had fled to France; that Buckingham and St. James's palaces stood open to all comers; that the crowd had overflowed Westminster Hall, had mingled with the members of Parliament in session, had expelled the Speaker from his chair, placed one of their number in it, and proceeded then and there to constitute a new government for the country. Does anybody believe that the London would have behaved any better than the Paris mob? In fact, the accounts of the time teem with instances of

the gentleness, forbearance, and magnanimity of the Parisians.

What was the tendency and underlying principle of the new revolution? De Tocqueville, in his "Souvenirs," quotes from a memorandum which he prepared for his party friends in 1847:—

The Revolution of 1789, which abolished all privileges and destroyed all exclusive rights, left one,—that of property. As long as this formed only the origin and basis of other rights it was defended without difficulty, or rather it was not attacked. But now that the right of property appears only as a last remnant of a destroyed world of aristocracy; when it stands alone, an isolated privilege in a levelled society; when it is no longer covered behind many other rights more disputed and more hated,—it is not the same thing. It is compelled now to sustain every day the direct and incessant shock of democratic opinions.

Does any one believe that it is by chance, by the effect of a passing caprice of the human mind, that we see appearing on all sides those singular doctrines which bear various names, but which all have for their principal character the negation of the right of property, which all tend to limit, to diminish, to enervate its exercise? (pp. 13-15.)

This sets forth clearly the side of attack, but not that of defence. The whole character of subsequent events shows that this was not the view of the country; that the peasantry are distinctly on the side of property; that socialism and communism are the ideas of the poorer classes in the cities. The history of France since 1848, excepting a part of the Second Empire, is of a constant effort of the country to overcome the domination of Paris; while even in Paris itself there is a minority on the side of property quite powerful enough to protect itself if only it has adequate organization. If it is true that the right of private property is the very basis of civilization, it is also true that the possessors of property, who can live for a greater or less time without labor, have an enormous advantage over the multitude who cannot, and they need only to work together to assert their will within reasonable limits. The

history of Great Britain has taught the upper and middle classes, both as classes and among themselves, to work together. The history of France has taught them exactly the reverse.

Speaking later of the revolution itself, De Tocqueville says : —

Two things struck me above all. The first was the character, I will not say principally, but solely and exclusively popular, of the revolution which had just been accomplished; the omnipotence which it had given to the people, properly so called, — that is, the classes which work with their hands, — over all others. The second was the very small amount of the passion of hatred, and, to speak truly, of strong passions of any kind, which was shown in the first moments by the lower populace thus suddenly become the masters of Paris. Although the working classes had often played the principal part in the events of the First Republic, they had never been the guides and sole masters of the state, either in fact or in right. The Convention did not, perhaps, contain a single man of the people. It was filled with *bourgeoisie* and men of letters. The war between the Mountain and the Gironde was conducted on both sides by members of the *bourgeoisie*, and the triumph of the first never caused the power to fall into the hands of the people alone. The revolution of July was made by the people, but the middle class had excited, conducted, and gathered the principal fruits of it. The revolution of February, on the contrary, seemed to be made entirely outside of the *bourgeoisie*, and against it.¹

This statement only emphasizes the enormous change which had come over the character of the people in little more than half a century. It shows how quickly the atmosphere of liberty, tempestuous as it was, had raised that character which the foulness of the old despotism had steadily dragged downward.

In this critical state of things, and while the provisional government was issuing one decree after another for providing food for the people and protecting Paris, the city remained tranquil. Patrols of volunteers circulated through the streets. Sentinels in rags guarded the rich, trembling for their lives and property. During the long space of time from the fall of the monarchy to the establishment of the republican

¹ "Souvenirs," p. 102.

power not one act of violence against persons was committed; no private property was even threatened. The populace, excited as it was, seemed to be lifted out of itself by the idea of free government.¹

Four months later, indeed, in the month of June, the people fought desperately, for reasons to be presently noticed, the most remarkable thing about it being the heroism and bravery with which they gave their lives for ideas, which, though wholly mistaken and incompatible with the existence of society, were neither mean nor unnatural. It is to be observed that the conflict of June completely suppressed this rule of the people of Paris, and gave full power to a national assembly elected for the first time in France by organized universal suffrage.

The National Assembly came together on the 4th of May. At that moment there were in Paris one hundred thousand workmen armed, organized in regiments, without work, dying of hunger, but with their minds stuffed with vain theories and chimerical hopes. Society was cut into two parts, — those who possessed nothing united in a common covetousness, those who possessed anything in a common anxiety. The strongest characteristic of the Assembly was the want of mutual confidence. They did not know what they wanted. There were more great proprietors and more nobles than in the chambers elected under a high pecuniary qualification.²

De Tocqueville says that, taken as a whole, the Assembly ranked higher and contained more men sincere, disinterested, honest, and, above all, courageous, than any of the chambers of deputies which he had seen.³ By investing General Cavaignac with military power during the days of June, the Assembly triumphed in the fullest measure, and by the surrender of power by that general it obtained full control of the government. It failed, just as all legislatures, of whatever nationality, always fail when they attempt to govern without the guidance

¹ Daniel Stern, *op. cit.*, Vol. II., p. 336.

² De Tocqueville, "Souvenirs," Part II., p. 147.

³ *Ibid.*, p. 158.

of strong executive power, though the resulting disaster may be more or less under differing circumstances.

In like manner the Legislative Assembly came together on the 29th of May, 1849. The new elections gave a majority of more than two-thirds to those who, however much they might disagree in other things, wished to arrest or throw back the revolution. Yet they were in a state of panic almost equal to that which followed the February revolution. The conservatives were frightened because their triumph was less complete than they expected, while the men of the Mountain—100 in number—were elated for exactly the opposite reason. That the latter achieved so much De Tocqueville thinks was largely owing to the intolerance of the conservatives towards those who, though they did not agree with them, had helped them to oppose the Mountain. It appears, then, that universal suffrage freely gave power to the conservative and upper classes; and that these failed almost as badly as the people, from the want of all habits or traditions of self-control, of mutual concession, or of moral submission to leaders.

Let us hear next the conclusion of one of the modern generation of Englishmen who are honestly trying to understand the meaning of recent French history.

But if the country was not Republican neither was it devoted to the fallen king. There were many adherents of a Constitutional Monarchy, but none of the system of Louis Philippe; the provinces had been surprised by the Revolution, but it cannot be said that they were disgusted; they were simply unprepared; and in this unpreparedness they would probably accept the Republic, not with conviction or with loyalty, but merely as a temporary expedient till some more desirable establishment could be attained. But it was not so the Republicans conceived the Republic; to them it meant not merely a form but a spirit; it was to issue like a new Athene from the head of the god. Humanity, armed for the succor of the oppressed, inspired for the guidance of the free; it was to be the symbol of fraternity, the pledge of equality. the guarantee of liberty: it was to purify every

passion, to solve every problem, and to realize in a moment of time the ultimate human ideal. A Republic, so conceived, was not merely a change of government, it was a reconstruction of society; and any attempt to achieve it must involve the active, intelligent, and enthusiastic coöperation of every talent and every class in every district in France. Such was the ideal; what now were the facts? A complex and defective social organization, imperfectly understood and unreservedly condemned; in Paris a Provisional Government appointed at the dictation of a mob in order to create the Republic; in the provinces uncertainty and confusion, contempt for the fallen authorities, mistrust of the new ones, ignorance of economic conditions, and a blind fear of schemes of reform; on the one hand a minority of idealists, insatiable in their demands, unlimited in their faith, unpractical in their proposals; on the other a complex mass of conflicting interests and ideas, unprepared for decisive action, unintelligent of the new issues, unaware of a common aim, but ready to unite in defiance of principle under the stress of a single negative passion—the terror of anarchy.¹

In other words, to prevent a violent and fanatical minority from leading away the multitude, it was necessary that the other minority, much larger and more powerful, who favored order, conservatism, and moderation, should have possessed definiteness of purpose, mutual confidence, and concert of action,—things which the history of France, up to that time at least, had rendered wholly impossible.

On the 24th of February, 1848, all government had ceased in France. The royal family had fled. The Chamber of Deputies, overpowered by the mob and upon the proposition of Lamartine, had rejected the regency of the Duchess of Orleans. The crowd had expelled the president, M. Sauzet, from his seat, and the deputies had left the hall. The reins of power were ready for the first hand that could lay hold of them. In 1830, with almost precisely the same circumstances, a candidate stood ready in Louis Philippe. By the prompt ac-

¹ "Revolution and Reaction in Modern France," G. L. Dickinson, 1892, p. 172.

tion of a few men and the support of General Lafayette, the moment was seized, and the machinery of government was set in motion again before the disorderly element had time to get the upper hand. In 1848 the throne had lost its prestige, and there was no available candidate. The only definite demand was for a republic and a provisional government as the means of establishing it. Some young men address themselves to the aged Dupont (de l'Eure) and invite him to take the president's chair, to which he is conducted amid the applause of the crowd. Lists of members of a proposed provisional government had been prepared in the offices of the *National* and *Reforme* newspapers, and the president read aloud one which was a compromise between the two. Some of the names having been objected to by the crowd, Ledru-Rollin asked and obtained a moment's attention. He proposed that the names should be read one by one, and that the 'people' should say 'yes' or 'no,' while those which were approved should be announced to the country by the official reporters of the *Moniteur*. The crowd accepted with acclamation the names of Dupont (de l'Eure), F. Arago, Lamartine, and Ledru-Rollin.

Protests greeted those of Garnier-Pagès, Crémieux, and Marie, and Ledru-Rollin calls for a show of hands as to the first name. But the clamor and confusion are so great that he declares the meeting dissolved, in order that the provisional government 'just named' may attend to its work and take measures to prevent the effusion of blood. The cry arises for adjournment to the Hôtel de Ville, and the Chamber is soon left almost empty.

The scene at the Hôtel de Ville almost surpasses imagination. Every hall filled with a motley crowd, each with its separate orator, proposing names for a government. Gradually the members of the list read in the Chamber came together in one of the offices and prepared to de-

liberate. But a new complication arises. Louis Blanc, who had himself submitted a list for the acclamations of that section of the people which surrounded the Hôtel de Ville, appeared and demanded that to the previous list should be added the names of himself, Marrast, Flocon, and, as he said, upon the spontaneous demand of the people, that of a workman named Albert. The other members were disposed to resist, but the conflict was averted by the reluctant consent of the newcomers to accept the title of 'secretaries,' though they acted as full members from the beginning.

Who were these eleven men, who thus assumed the responsibility of governing a great nation with a city like Paris in the centre, and with international complications on every side? Grouped somewhat in the order of conservatism and practical ideas of government they stand as follows: —

Dupont (de l'Eure) was born in 1767, and therefore at this time eighty-one years of age. He had been an advocate in the old parliament of Normandy, a member of Napoleon's Council of Five Hundred, president in 1801 of the criminal tribunal of Evreux, where he was distinguished for his independence and impartiality in the administration of justice, a deputy of the department of the Eure in the Corps Legislatif of 1813, member and vice-president of the Chamber of 1814–15. He represented the department of the Eure from 1817 till 1848, acted with the Opposition throughout the Restoration, took part in the events of 1830, and held the portfolio of justice in the first cabinet of Louis Philippe. He was, however, too liberal in his views, again joined the Opposition, and was one of the most active promoters of the campaign of the banquets. Perhaps the most prominent and respected republican personality.

François Arago, then sixty-two years of age, was a man

of science of the highest distinction and character. He had served in the Paris Municipal Council, in the Chamber of Deputies from 1830 to 1848, and was also active in the Opposition under Louis Philippe.

Alphonse de Lamartine, poet, dreamer, and man of letters, was then fifty-seven years old. After a sojourn of some length in the East, he was elected to the Chamber of Deputies in 1833, continuing there till 1848. With an almost boundless vanity he was the chief of a party which consisted of himself alone, ready to support the government in crises, but reverting to the critic as soon as the danger was past. His eloquence charmed the Chamber, but never convinced it. With his imagination captivated by the Republic, he was largely instrumental in rejecting the regency of the Duchess of Orleans. As a member of the provisional government he showed the most superb courage, facing an armed and howling mob during the afternoon of February 25th and subduing it by the sheer force of his oratory. At one time he enjoyed immense popularity, but he was no statesman, as, indeed, statesmanship would have been of very little avail in stemming the tide which swept him along.

Crémieux was a Jewish lawyer, devoted through life to his religion, fifty-two years of age, who came to Paris in 1830, and distinguished himself in the defence of political criminals. Elected to the Chamber in 1846, he continued in opposition till the revolution. After the king's flight he endeavored to procure the regency of the Duchess of Orleans. As a member of the provisional government he exerted himself to support Lamartine in controlling and calming the popular passions.

Garnier-Pagès, born at Marseilles in 1803, became at twenty-seven years of age a commercial broker in the Paris Bourse, working hard to support his brother who had achieved some reputation in public life. After his

brother's death in 1841 he was elected a deputy, sold his business in 1845, and devoted himself to politics as a member of opposition and to the discussion of economical questions. Fluent and well intentioned, he was of very moderate capacity, and was always compared disadvantageously with his deceased brother.

Marrast, born at St. Gaudens in 1801 in very narrow circumstances, began life as a teacher at the age of sixteen. Having passed through the various grades, 1827 found him a master in the higher normal school in Paris, from which position he was expelled for a speech at the funeral of the popular idol Manuel. Afterwards he became chief editor of the *Tribune* and still later of the *National*, in which capacity, having never been in public life, he became a member of the provisional government. His disposition was perhaps more conservative than that of Lamartine.

Marie, born at Auxerre in 1795, was admitted to practice as a lawyer in Paris in 1819, and in 1830 had begun to make his reputation, like Crémieux, in political trials; studious and honest in his profession, but as a statesman weak and incapable. He was elected a deputy in 1842, and took a prominent part in opposition. On the 24th of February he was the first to mount the tribune and oppose a regency, making a demand for a provisional government. It was he who organized the national workshops, less, however, with the idea of relieving labor than of opposing the socialist schemes of Louis Blanc. Early in June, when receiving a delegation of workmen, he denounced the workshops with severity, and instead of calming popular passion, did much to bring on insurrection.

Ledru-Rollin was the son of a physician, and born in Paris in 1807. He began his career as a lawyer in 1830. Elected deputy in 1839, he was prosecuted by the government for language held to the electors, and condemned to

four months of prison and three thousand francs' fine ; but the sentence was cancelled for technical defects. He became the popular orator of the Left on account of the vigor of his denunciations. As a member of the provisional government he tried fairly well to support the conservative element, rejecting the idea of his own dictatorship and aiding in the control of popular passion. His greatest defect was indecision between the two sides.

Louis Blanc, born in Madrid in 1812, supported himself in Paris at the age of nineteen by teaching mathematics. Afterwards taking to journalism he became and remained the apostle and type of organized socialism, not relying upon revolution, but upon peaceful even if fallacious theories of coöperation and state assistance. He had taken no part in public life up to 1848.

Flocon, born in 1800, pursued journalism as a profession, varied by conspiracy against the government. In 1843 he became editor of the *Reforme*, which was his only claim to membership in the provisional government. An active supporter for solid reasons of Ledru-Rollin and in a less degree of Louis Blanc, he showed in official position industry and probity if not statesmanship.

Albert, whose real name was Alexandre Martin, was born at Bury in 1815, the son of a peasant who had him educated as a mechanic. At the time of the revolution he was at work in the factory of a button-maker. A supporter of Louis Blanc, he seems to have borne himself with modesty and dignity. Arrested as a participator in the movement of May 15, he remained in prison till 1859.

Of all these men it should be said that no one was ever charged with pecuniary corruption in office.

It is evident that with executive power in the hands of a group like this, efficient government was impossible under the best circumstances, and the circumstances made it almost impossible in any hands. It is true that their

position was strengthened by acceptance on all sides. On the very night of its installation the Provisional Government received by the mouth of the marshals and the most distinguished generals the homage of the army. That of the National Guard followed. On the report of the telegraph the departments were to pass at once from the monarchy to the republic. The members of the government undoubtedly tried to do the best they could, but apart from the evil of multiple executive power the new government suffered from the vice of its origin. It had no traditional or dynastic claim. It did not represent any national opinion, had no class or constituency to appeal to for support. It was in effect self-nominated and approved by the Paris mob. It must to a great extent obey its masters. In the first place a government based upon the will of the 'people' could not suppress or limit any mode of expression of popular opinion. The organizers of the banquets, the publishers of the *National* and the *Reforme*, were obliged by political necessity to recognize the absolute liberty of the press and of association. The provisional government did this by repealing the laws of September, 1835, by abolishing the stamp tax on periodicals and the security fund of the papers, and by allowing clubs of all kinds to be opened in Paris and in all the cities of France.

There were two sections of the government, representing two policies, embodied in a general way in Lamartine and Louis Blanc. The former proposed as the aim of the new government, 'charity among the different classes of the citizens, to be realized by all such institutions of assistance, association, benevolence, as are compatible with the liberty of capital and the security of property.' These last words show that Lamartine, while he hoped the Republic might discover a solution of the economical problem, was determined to have nothing to do with the proposals

of the socialists, and in this he was supported by the majority of the members. But the workingmen, who had fought on the barricades and supplied the material force of the revolution, had acted in the expectation that with the government would fall the tyranny of capital; to them the Republic was socialist or nothing, and they were not to be comforted by general hopes of a gradual and tentative amelioration; they believed in the possibility of a social transformation, radical and instantaneous, and this they were determined to exact from the men whom they had delegated to authority.

There were two men in the provisional government who shared this view. Blanc, supported by Albert, in his aim to 'enfranchise the people by endeavoring to abolish this double slavery, ignorance and misery,' wished to replace private by public property, and this he hoped to achieve by means of coöperative productive associations, federated together so as gradually to oust the competition of private producers, and started, in the first instance, by loans advanced by the State. Such was the most definite expression of the socialism of 1848; but the word had been used to include much more than this; it had been identified passionately and vaguely with revolution and robbery; secret societies and revolutionary clubs had urged and were urging its propaganda; it had come to be regarded, not as a rational scheme of economic reform, but as a conspiracy to dissolve society in a general scramble for property. Under this general condemnation fell the project of Louis Blanc. The provisional government was divided into Socialists and anti-Socialists, and before it had been in existence a day was irreconcilably at variance with itself.¹

Almost from the moment of its installation, and for sixty hours at a stretch, the provisional government was

¹ "Revolution and Reaction in Modern France," pp. 177-179.

besieged in the Hôtel de Ville. The besiegers might be regarded as allies, but allies on condition of being obeyed. Miscellaneously armed with muskets, swords, pikes, bayonets, and the like, they filled the square in front of the building, broke down the railings, forced the gates, and thronged every hall and passage till they reached the room where the government sat; without thundered the chorus of the Marseillaise, within was the clash of steel, the detonation of aimless discharges, windows shattering, wood-work crashing, altercations, threats, and fragments of song; and, in the midst of this confusion, backed by the argument of force, arrived a deputation to demand the recognition of the right to labor (*droit au travail*). While Lamartine was arguing with them, Louis Blanc had already drawn up a decree which was submitted to his colleagues, signed in haste, and issued on the spot. It ran as follows:—

The Provisional Government of the French Republic engages to guarantee work to all citizens. It recognizes that the workmen ought to form associations in order to enjoy the legitimate reward of their labor. It restores to the workmen, to whom the money belongs, the million which will be due on the civil list.¹

This decree was practically extorted by force from the government: it promised much more than was ever guaranteed by such socialism as Louis Blanc's, and, *a fortiori*, much more than a government could extemporize into performance.²

In execution of this decree, a vote was passed, February 27, ordering the establishment of national workshops for thirteen thousand men. M. Émile Thomas, charged with organizing them, did it in military fashion. Eleven men formed a squad, with a chief elected by themselves. Five squads formed a brigade, besides a brigadier who was elected by a direct vote of the brigade, making 56

¹ *Op. cit.*, p. 181.

² *Ibid.*

men. Four brigades made a lieutenancy of 225 men including the lieutenant. Four lieutenancies formed a company, making, with their chief, 901 men. The companies were united by threes, with a *chef de service* commanding, 2703 men. Finally, a *chef d'arrondissement* commanded the whole of his ward. The eighth arrondissement, which had alone furnished twenty thousand men, counted eight *chefs de service*. The pay was fixed as follows :—

	At work.	Not at work.
Brigadiers per day . . .	3 francs	3 francs
Section chiefs per day . .	2.50 “	1.50 “
Workmen per day . . .	2 “	1 “

The rush was so great that a check had to be made to admissions. Men poured in from the country, and private employers complained that they could get no help. The list of admissions was :—

From March 9 to 15	6,100
From March 16 to 31	23,250
From April 1 to 15	36,520
From April 16 to 30	34,530
From May 1 to 15	13,610
From May 16 to 31	3,100
From June 1 to 15	1,200
	<hr/> 118,310

These workshops soon became an overwhelming burden on the treasury already prostrated by the crisis. The pay amounted to 300,000 francs a day at a time when the government had not the means of meeting ordinary administration. The credits opened between March 20 and June 24 amounted to 24,000,000 francs. Instead of giving these men honorable work, they were turned into the Champ de Mars with pickaxes and wheelbarrows to level the terraces formerly raised on the day of the Federation. The workmen felt themselves degraded by such a mockery of work, and left it to talk politics in the

wineshops. It was evident that something must be done. Leon Faucher, Wolosowski, and Michel Chevalier tried reform in vain. As the month of June advanced, however, the question took the simplest possible form. The government determined to break up the national workshops, and the national workshops determined not to be broken up. The chiefs of brigade were assembled, and informed that squads of workmen would be sent to the provinces to execute works of breaking up land; that private employers could requisition workmen at their pleasure; that all workmen from eighteen to twenty-five years would be incorporated in the army; and that all payment would be suppressed for workmen who could not prove a residence of six months in Paris. And because the director, M. Émile Thomas, resolutely refused to subject the workmen to these stern conditions, he was privately arrested on ministerial order and hurried off to Bordeaux. The response to these things was the insurrection of June. At the session of July 4, General Cavaignac announced to the Assembly the dissolution of the workshops, and it was decided that families without work should receive aid, under the supervision of the *maires* of the different sections. It was the right to assistance replacing the right to labor.¹

This account gives but one instance, though perhaps the strongest, of the difficulties which beset the provisional government on every side. We have next to consider what steps were taken to put the government on a permanent basis. When the Constituent Assembly came together on the 4th of May, one of its first steps was to replace the Provisional Government by an executive commission, preceding this by a formal recognition of the services, the merits, and the sacrifices of the retiring body. The new

¹ *Grande Encyclopédie*, article "Ateliers Nationaux"; Maxime du Camp, "Revolution of 1848," p. 232.

commission consisted of Messrs. Arago, Marie, Garnier-Pagès, Lamartine, and Ledru-Rollin. The radical element was thus eliminated, and space left for the spirit of reaction which precipitated the events of June. The commission on the constitution consisted of eighteen members, who were to be chosen at random from its own body by an assembly wholly without guides or leaders, and whose members were for the most part strangers to each other. De Tocqueville was elected on the first ballot, receiving 496 votes; but it required several days and many repeated ballotings to complete the number.

In considering the commission as a whole it was easy to see that it would be hopeless to expect remarkable work. Among its members some had passed their lives in directing or controlling administration under the last government. They had never seen or studied or understood anything but the monarchy. Indeed, they had applied rather than studied the principles of that. They had hardly raised themselves above practical affairs. Charged now with realizing theories which they had always misunderstood or opposed and which had obtained their submission but not their conviction, it was very difficult for them to bring to their work other than monarchical ideas; or if they entered at all into republican ideas, they had to do it sometimes with timidity and sometimes with impetuosity, but always by a sort of chance, like novices.

As for the Republicans, properly so called, who were upon the commission, they had few ideas of any kind, unless it was those which they had conceived in reading newspapers or writing for them, for several were journalists. Marrast had directed the *National* for ten years. Dornès was then its editor-in-chief. Vaulabelle, a serious character, but coarse and even cynical, wrote habitually for the same paper. He was justly astonished to find himself a month later Minister of Public Works and Education. All this bore little resemblance to the men, so sure of their object and so well informed as to the means of obtaining it, who under the presidency of Washington drew up the Constitution of the United States.

But if the commission had been capable of good work, the want of time and the preoccupation as to that which was passing outside would have prevented it. There is no nation which is less attached to those who govern it than the French, nor which knows less how to do without government. As soon as it sees itself obliged to go alone it experiences a sort of vertigo which makes it believe every

instant that it is going to tumble into an abyss.¹ At the moment of which I speak it desired with a sort of frenzy that the work of the constitution should be accomplished, and that the public power should have a base, if not solid, at least permanent and regular. What it wanted was less a good constitution than a constitution of some kind. The Assembly showed this eagerness and did not cease to spur us, of which in fact we had very little need. The remembrance of the 15th of May, the apprehension of the days of June, and the sight of the divided, enervated, and incapable government which directed affairs, were sufficient to urge us on. But that which it must be confessed deprived the commission of all presence of mind was the fear of outside events and the impulse of the moment. It is difficult to imagine what an effect was produced by this pressure of revolutionary ideas even upon the minds least disposed to adopt them, and how it forced even those to go almost unconsciously further than they wished.²

The Convention began its deliberations on the 22d of May and finished them on the 19th day of June, thus doing in four weeks, and under such circumstances, that to which our Constitutional Convention devoted four months in the quiet city of Philadelphia.

The decision in favor of a single chamber, though contrary to all experience of parliamentary government, is not one which can be condemned without question in the abstract.

The only part of our work which was treated with superiority and regulated with wisdom was that which related to justice. On this ground the commission was at home, most of its members having been or still being lawyers. Thanks to them we were able to save the principle of the permanence of judges. That held firm, as in 1830, against the current that carried away everything else.³

The most crucial question was that of executive power. All were agreed in confiding it to a single man. But what prerogatives and

¹ How should it be otherwise, when for nearly three centuries the government has never allowed the nation to take any independent action?

² De Tocqueville, *op. cit.*, p. 262.

³ *Ibid.*, p. 281. While the Constitution of the United States preserved the same principle, if we consider that all but one or two states of the Union have adopted one of the worst of political evils, an elective judiciary, we may be more sparing in our condemnation of the French.

what agents to give him, what responsibility to put upon him? In a country without monarchical traditions in which the executive power has always been weak there is nothing wiser than to charge the nation with choosing a representative. A president who should not have the strength which he derives from this origin would be the puppet of assemblies, but the conditions among us were quite different. We had come from a monarchy, and the habits of the Republicans themselves were still monarchical. Centralization, besides, was enough to render our situation wholly exceptional; according to its principles the whole administration of the country, in the smallest as well as the greatest affairs, could only belong to the president; the thousands of functionaries who hold the whole country in their hands would depend upon him alone. This was the case even after the Revolution of February, for we had preserved the spirit of the monarchy while losing the taste for it. Under such conditions how could a president elected by the people be other than a pretender for the crown?¹

A short time only was needed to justify this reasoning, but it is more than doubtful whether the election of a president by the Assembly, which is much worse in principle, would have had any better result. We shall have occasion later to consider the effect of that method. The same arguments may be applied to the electorate. The electoral law, established by the Provisional Government for the creation of the Constituent Assembly, gave the vote to every Frenchman twenty-one years of age who had resided six months in the place of election, and made all Frenchmen eligible who had reached twenty-five years, giving to the elected deputies a payment of twenty-five francs per day. The jump from two hundred thousand electors to nearly eight millions, the first instance in French history of the application of direct universal suffrage, was tremendous, and resulted in the Empire, but it is not at all sure that at that time the same result might not have followed from the limited electorate of Louis Philippe's reign.

¹ *Ibid.*, pp. 273-275. Louis Blanc, in his "History of the Revolution of 1848," also says that it was a mistake to make the president elective by the people instead of the Assembly.

Beaumont proposed that the president should not be reëligible. I supported it strongly, and the proposition passed. We both fell on this occasion into a great error, which will have, I believe, very evil consequences. We had always been much struck with the danger to public liberty and morality which would be caused by a reëligible president, who should employ in advance to promote his reëlection, as could not fail to happen, the immense means of constraint or corruption which our laws and our manners accord to the head of executive power. Our minds were not supple and prompt enough to turn round in time and perceive that from the moment when it had been decided that it would be the citizens themselves who would directly choose the president, the evil, such as it was, was irremediable, and that it would be only increasing it to undertake rashly to restrict the people in their choice.¹

That the result of this reasoning followed at once is not, perhaps, conclusive, but it accords with many other arguments to prove the worse than futility of what is sometimes advocated as a safeguard in this country.

It is not necessary to follow the immense difficulties, in such a revolution, of public finance, of foreign affairs, and of internal administration for the whole country. The key to the situation was in Paris. It is noteworthy that the first serious attempt to dictate to the government came from the prosperous classes. On the 27th of February the provisional government had decreed that every adult Frenchman should form a part of the National Guard. On the 14th of March it had ordered the dissolution of the companies which were made up of the richer classes, and that a new election of officers should take place by universal suffrage. While perfectly regular in form, it was the most revolutionary decree in substance which had yet appeared, being nothing less than a legal arming of the proletariat and its organized preponderance in an institution of which the original object had been to hold it in check. About the same time Ledru-Rollin, as Minister of the Interior, issued a circular to his agents

¹ De Tocqueville, *op. cit.*, p. 279.

throughout the country, investing them with full revolutionary authority. These things aroused the upper class of citizens, and they determined to make a formal manifestation. On the 16th of March two legions turned out under their officers and marched to the Hôtel de Ville.

They were met by a crowd assembled to defend the government, and an armed collision was narrowly avoided. When their delegates appeared in the Council Chamber they were severely lectured by Arago for setting such a bad example, and for stirring up hostility between the working classes and the National Guard. They retired in confusion, and the legions which had assembled soon after dispersed. The seed was, however, sown. The agitators and leaders of the clubs, seeing their opportunity, determined to have a counter manifestation on the next day, ostensibly as a rebuke to the aristocrats of the National Guard, but really to compel the government to put off the elections to the National Assembly and to remove the army from Paris. They meant thereby to test how far the mob could be relied on to follow the men of violence. In the afternoon of the 17th of March a procession was formed, headed by five or six hundred members of clubs, who were followed by workmen, formed according to trades with their respective banners. The multitude filled the Place de Grève, while delegates proceeded to an interview with the government in the Hôtel de Ville. Its members stood well together, and, in the argument which followed, so far succeeded in gaining over the delegates of the workmen, that those of the clubs did not venture to proceed to extremities. The members then appeared on the balconies and were received by the crowd, which did not even know the result of the interview, with loud applause, the members regarded as most revolutionary, however, receiving the largest share. After a speech from Louis Blanc the crowd, estimated at one hundred thousand persons, peace-

fully dispersed. The conspirators had failed, and the danger was past for the moment, but it is easy to imagine the alarm of the whole city at this evidence of the weakness of the government and of the power which organization and discipline were giving to the working classes.

The next crisis came on the 16th of April. The events in Paris appear to have caused uneasiness in the country, and the reports came that the elections for the National Guard in the provinces and for the National Assembly were likely to turn in favor of the conservative and richer element. The revolutionary leaders, therefore, determined to organize a new manifestation to demand of the government a postponement of the elections, and with the further purpose of deposing the actual government and substituting a smaller number of the more radical members, and even of placing a dictatorship in the hands of Ledru-Rollin, whose influence, and that of Louis Blanc, had been greatly increased by the 17th of March. The division in the government, therefore, had reached the point of hostile preparation. Between two and three o'clock on the 16th, an immense crowd of workmen started on its march to the Hôtel de Ville. They were met on the Quai du Louvre by two legions of the National Guard, who surrounded them, and separating them into groups escorted them to their destination. The delegates were coldly received by officials of the government, and in spite of the appeals of Louis Blanc for a free passage of the procession the National Guards kept it in separate groups till it had finally dispersed. This victory was, however, followed by increasing demands of the richer class for arrests and prosecutions, thus embittering the spirit of conflict.

The same evening of these events Louis Blanc and his adherents determined to repair this check by assuming the offensive. Though the revolutionary party was

unable to prevent the meeting of the Assembly, it was resolved not to be ruled by it. In the clubs increasing declamation maintained that the people, meaning thereby the populace of Paris, was always above its representatives. Every day crowds filled the streets and squares and occupied the approaches to the Assembly. The pretext for the 15th of May was the cause of Poland. The Assembly was in regular session, and an orator in the tribune was making a droning speech upon Poland, when a cry arose from the outside so terrible that De Tocqueville says he could not have imagined it to proceed from human voices.¹ One of the officers of the Assembly, mounting the tribune and pushing the orator aside, announced that the general of the National Guard, contrary to orders, had directed his men not to oppose the crowd. Soon after it began to swarm in. Amid intolerable heat and dust the deputies maintained their seats. Barbès, making his way to the tribune, demanded the immediate despatch of an army to Poland, an impost of \$200,000,000 upon the rich, the removal of the troops from Paris, and a prohibition to sound the drum-call of the National Guard; failing which the Assembly would be declared traitors to the country.

If he could have commanded silence enough to enforce a vote, the situation of the Assembly would have been dangerous. It was saved by the inextinguishable clamor and confusion. After this had lasted for a considerable time, a drum was heard sounding the well-known *pas de charge*. A body of some forty of the young *gardes mobiles* came cleaving the crowd like a wedge, followed by a column of the National Guard. As they hurled the

¹ I regret that considerations of space prevent the quotation of the whole of De Tocqueville's vivid account of that eventful day. Merely as a word-picture by an eye-witness it is well worth the attention of the student of modern French history.

five or six orators from the tribune a panic seized the crowd, and they escaped by the doors and windows. The Assembly shortly afterwards resumed its session and proceeded with orders for arrest and prosecution.

The steady march of anarchy and the conflict of classes was brought to a crisis by the closing of the workshops. In those days of June the insurgents fought as men fight only for ideas, and when they have never been accustomed to see them prevail in any other way. With regard to that conflict only one passage from De Tocqueville is essential for the present purpose.

By all the roads which the insurgents did not control there entered at that time thousands of men hastening from all parts of France to our assistance. Thanks to the railroads, some of them came already from a distance of fifty leagues, although the combat had only begun the evening before. Some came from a hundred and two hundred leagues on the morrow and the days following. These men belonged without distinction to all classes of society. There were among them many peasants, many *bourgeois*, many great proprietors and nobles, all mingled and confounded in the same ranks. They were armed in an irregular and insufficient manner, but they rushed into Paris with unequalled ardor: a spectacle as strange and as new in our revolutionary annals as that offered by the insurrection itself. It was evident from that time that we should finally triumph, because the insurgents did not receive fresh troops while we had as reserve the whole of France.¹

Universal suffrage had begun to do its work. The country was brought together in a common purpose to defend the government which all had helped to create. How far this spirit, under proper guidance, might have led to a better future it is impossible to say. That future was hidden under the ghastly pall of the Second Empire, to end in another and still fiercer battle with the Paris Commune before the country could again establish its will.

The victory of June had been won through the sur-

¹ "Souvenirs," p. 235.

render of power both by the Assembly and the executive commission to the military dictatorship of General Cavaignac, the Minister of War. After the insurrection had been suppressed, his friend Jules Bastide, Minister of Foreign Affairs and a man of the highest character, sought the general at his house and found him seated alone with his mother, and bowed with grief at the terrible work which he had been compelled to perform. He had done his duty heroically, and saved France from calamities like those of 1870, but his victory filled him with horror. Knowing that France was at his feet, Bastide besought him to assume a temporary dictatorship, and give France permanent republican institutions. "My dear friend," said the general, "if I did what you demand, I should authorize in future any ambitious adventurer to stir up a riot and to get power intrusted to him to repress it, and then to keep this power indefinitely under the pretext of public safety. I will give such a pretext to nobody."

There were no visible elements for the construction of a new society to which an honest man could appeal. It was left to a second Bonaparte to organize chaos by force and corruption for his own selfish purposes.

CHAPTER XII

THE SECOND EMPIRE

THE three years following June, 1848, are not of much import in the constitutional history of France. The weak beginnings of popular government were overwhelmed by contending forces too powerful for resistance.

The Republic of 1848, like that of 1793, was the attempt of a small minority to force its creed upon France, and the result in both cases was anarchy, passing by reaction into despotism. The Democrats and Socialists of 1848, like the Jacobins of 1793, did not hesitate to attempt to coerce the nation in the name of the Republic. The commissioners of Ledru-Rollin were the Democratic representatives of those of the Convention, and May 15 and June 13, 1848, were correspondent to June 2, 1793. The measures and the issue were different, but the principle was the same; it was that which was formulated by the Democrats themselves — the Republic is above universal suffrage. But the opposition which met the modern Jacobins was very different from that which had been faced by their predecessors. The Royalists of the Second Republic were not gathered in arms on the frontier backed by the forces of Austria. They sat in the Chamber of Deputies and formed the majority there, a majority, however, which was split into three irreconcilable parties, impotent, therefore, for positive measures and powerful only for negation. The result was anarchy none the less real that it was concealed under constitutional forms. Every one was waiting to destroy the Republic which every one had sworn to defend. The Republic which had been founded by violence, violence was bound to destroy, and February 24 already contained the germ of December 2.¹

The three factions, Legitimists, Orleanists, and Bonapartists, were equally eager to establish their supremacy at the cost of the Republic. It was evident to all that

¹ "Revolution and Reaction in France," p. 218.

the Bonapartists led by Louis Napoleon held the strongest hand, but the others hoped to use him for their own purposes. Such men as Thiers and Molé did not hesitate to intrigue with him, trusting to make him their instrument. He proved to be more than a match for them.

When I think that at the moment when I write these lines, that is to say only two years after the epoch of which I speak, the greater part of these very men are pouring out their indignation upon the people for violating the constitution in doing for Louis Napoleon that which they were at that very time proposing to the people to do for themselves, I think it is difficult to point to a more notable example of the versatility of men and the variety of the large words of patriotism and right with which small passions cover themselves.¹

Yet it was not because these men were Frenchmen or because of the rule of the multitude. It was because the government for two hundred years had sown only violence, treachery, and mutual distrust; because the old monarchical system contained no elements of reconstruction. There was nothing possible under the circumstances but to sweep it away and begin again.²

What was the nature of the force which was to gain the upper hand? Legouvé says that one of his relatives remembered seeing Napoleon in 1813 going to the Chamber in state dress in an open carriage to demand a new levy of men. He was hooted by the crowd. In 1815, while the people and the army remained faithful to Napoleon the upper and liberal classes cursed him as a scourge and detested him as a despot. In May, 1821, grief was spread over all France, many families putting on mourning. Napoleon had died at St. Helena. St. Helena

¹ De Tocqueville, *op. cit.*, p. 347.

² When a nation wishes to break with her past, to abandon her traditional customs and her fundamental laws in order to embark upon the road to reform and thus to create for herself new institutions, this is assuredly not the work of a day. — DE MAUPAS, "Story of the Coup d'État," Chap. I.

did about as much for him as Marengo or Austerlitz,—changed him from a despot into a martyr and his enemies into executioners. It was at St. Helena that he became Prometheus on his rock, Christ at Calvary, Joan of Arc upon her funeral pile. Under the Bourbons came the absurd mixture of Bonapartism and Liberalism. The Bourbons entered France with the foreigner and the white flag representing national defeat and the old *régime*. The liberals opposed to them Napoleon, promulgator of the Code Civil, conqueror of Europe, and defender of equality. Napoleon may be said to have headed the Revolution of July, and when Louis Philippe came in Napoleon came with him under the guise of the tricolor, emblem of imperial glory. In 1832 the Duke of Reichstadt died at Vienna, and the death of the son renewed the mourning for the father. In 1836 Louis Napoleon made his attempt at Strasburg. The emperor had an heir! On the 21st of August, 1840, Thiers as Minister of the Interior asked the Chamber for a million to transfer the remains of the emperor to Paris. The Prince de Joinville went in a frigate to St. Helena, and on the 10th of December a procession took place, in which the remnant of the old army joined its glory with the splendors of the new in escorting the remains through the Arch of Triumph and an immense crowd uttering passionate acclamations. At the Invalides all the constituted authorities, the army, the Parliament, the magistracy, the University and the Academies in full costume bowed before the coffin.¹

The popular imagination had converted the most arbitrary and selfish of despots into the champion not merely of equality, which he certainly was, desiring like an Eastern sultan that all men should be reduced to a dead level under his rule, but of constitutional liberty. And never was a delusion more cunningly played upon. The

¹ Legouvé, "Napoleon depuis sa Mort," *Revue Bleue*, May 27, 1893.

attempts and conspiracies of the new Napoleon in the reign of Louis Philippe showed how completely regardless the former was of anything but his own selfish schemes. But as the crisis approached, whether of his own motion or the shrewdness of his advisers, he became more wary.

From the time of February 24th the most clear-sighted Bonapartists fully understood that the country was determined to have the Republic, and that the only chance was to watch and take advantage of its faults and later of those of the Assembly. They no longer talked of an emperor, but of a popular chief of the Republic; no longer of the hereditary right of Louis Bonaparte to the throne, but of the duties which his name implied towards the people. They exalted his *chivalrous loyalty* and his *antique probity*. They said that for twenty years he had been the hope of France. They declared that he alone could found a democracy without anarchy, and tried to bring over to this idea the Republicans who were dissatisfied with the government.¹

The address to the nation which was published in his name as a candidate for the presidency was a model of skilful promises and professions.²

The presidential election on the 10th of December, 1848, was an event the like of which Europe had never yet seen.

The votes polled were	7,317,344
Louis Napoleon had	5,434,226
General Cavaignac	1,448,107
Ledru-Rollin	370,119
Raspail	36,920
General Changarnier	4,790
Scattering	23,182

If we except the *plébiscites* of the first Napoleon, which in the then existing condition of France and of Europe

¹ Daniel Stern, *op. cit.*, Vol. II., p. 314.

² When he resolved to become a pretender to the imperial throne he of course had to see how it was possible — how it was possible in the midst of this century — that the coarse Bonapartist yoke of 1804 could be made to sit kindly upon the neck of France; and France being a European nation, and the yoke being in substance such a yoke as Tartars make for Chinese, it followed that the accommodating of one to the other could only be effected by guile. — KINGLAKE, "War in the Crimea," Vol. I., Chap. XIV.

were little more than the marshalling of his troops by a military despot, this was the first time that any European ruler could assert that he held his position by the distinctly expressed will of the majority of the nation. On the other hand, it was the first time that any nation had attempted to form or express any common will. It showed, first, that the French people, like every other, desires first of all internal order and peace, and therefore the first and necessary condition, strong executive power. It showed, again, that the united will of a people can only be effectively exerted through a man. The people do not sufficiently understand measures or policies to be excited by them. A word, such as republic, may call out their enthusiasm, but what constitutes a republic, or how it is to be organized, is beyond their knowledge, and the name becomes a mere tool in the hands of fanatics or selfish schemers. The people must follow some known guide or leader, the only choice being between the good and the bad. The election showed further the importance and the true function of a legislature in informing the people as to the man who asks for their confidence. In England there would have been a group of statesmen, well known to the people, who would have pleaded the cause of Bonaparte or of Cavaignac. In France there was nobody whom the people could look up to, and they had to take such motives as were before them in the glamour of Napoleon and the First Empire and the specious promises of his successor.

Of course, with the centralized system of France, the new president at once adopted the means of strengthening himself. The prefectures, the administration of justice, the most important as well as subordinate situations under government were occupied by men devoted to General Cavaignac and to the ideas which the former chief of the executive represented. Apart from the prejudice which the Prince himself suffered from this state of things, it produced serious inconveniences from a more general point of view. To the departments, to the com-

munes, above all to such of their inhabitants as take a share however small or large in the management of local affairs, the benefit of a change of *régime* in accordance with their sympathies becomes only appreciable on the day when the neighboring depositaries of public power are in harmony of feeling with them and consequently with the government. The Republicans, the makers of revolutions, take good care to put this doctrine in practice. They have unfalteringly and always applied it, they have cashiered prefects, sub-prefects, secretaries-general, councillors of prefectures, those magistrates that were removable, mayors, deputy-mayors; they have not even held their hand at the modest rural constable.

The Prince was therefore within justice and within his right in claiming from his ministers functionaries who were devoted to his policy, who should not prove themselves the persistent adversaries of his friends in the departments, and who would not beforehand and clandestinely endeavor to foil his eventual reëlection to the chief magistracy of the country, when constitutionally he might become reëligible. In a few weeks, a goodly number of prefects and functionaries of all kinds were cashiered or shifted, and the choice of their successors was calculated to obliterate the sufferings which had been endured.¹

An event occurred soon after his election which greatly strengthened the position of the President. The revolution in France, which stirred all Europe, had produced one in Rome, resulting in the establishment of a republic and the flight of Pius IX. A French army was despatched under General Oudinot to suppress the republic and restore the temporal power of the Pope. The President wrote a letter to General Oudinot congratulating him on his success and complimenting the army. This Italian question was made by the radicals the occasion of a movement, as that of Poland was on May 15, 1848. On the 13th of June, 1849, a large procession was formed and marched to overawe the Assembly. But under the energetic direction of General Changarnier the crowd was

¹ De Maupas, *op. cit.*, Chap. VI. The line of argument is quite familiar to us in the defence of the spoils system of office in this country. It is well known how efficient this machinery was in the establishment and the maintenance of the Second Empire.

dispersed by force, and the leaders of the insurrectionary government, which as usual had attempted to establish itself, took to flight. The dread of events like those of 1848 in Paris and the prompt repression greatly added to the influence of Louis Napoleon throughout the country. Thirty-one deputies, who had been arrested for their connection with the affair, were condemned, and an election to fill their places was fixed for the 10th of March, 1850. The choice for Paris fell upon members of the extreme revolutionary party, and a new feeling of panic spread through the city.

The years 1850 and 1851 were passed in a game of intrigue between all the factions in the Assembly, Legitimists, Orleanists, moderate and radical Republicans, and Bonapartists, while above all loomed the ominous fact that the constitution forbade the reëlection of the President in 1852. In the month of April took place the debate on the revision of the constitution, chiefly, of course, with reference to this fact. In the debate the hostility to and dread of the President made itself apparent and increased the bitterness on both sides. Three-fourths of the total vote were necessary for revision.

The division gave this result:—

Total number of votes	724
Constitutional majority of three-fourths	543
For the adoption of revision	446
Against	278

It was a declaration of war, and the only remaining question was which should win in the struggle. On the side of the Assembly was General Changarnier, who had turned against the President. Louis Blanc thinks that if Changarnier had given an order to the troops to arrest Louis Napoleon they would have obeyed it just as readily as the reverse. Whether it was the doubt as to this

which produced delay, at any rate the opportunity was lost.¹

It is an interesting though perhaps profitless speculation to consider the possible alternatives to the famous *coup d'état*. Suppose that the constitution had allowed the reëlection of Louis Napoleon. He would hardly have ventured to destroy his high position for that of an emperor. And yet the royalist factions were so bitter and so ambitious that only genius and patriotism could have made constitutional government possible. If he had been a William III., a Washington, or a Cavour, he might have firmly kept the peace and taught the various parties to live together at least without fighting. But with his character, antecedents, and surroundings that was impossible. Suppose again that General Changarnier had taken the initiative on the part of the Assembly, had arrested Louis Napoleon and proclaimed Henry V. The country would probably have supported or acquiesced in any government which showed itself strong enough to maintain order, and with either a Legitimist or an Orleans prince a few statesmen of the first class ought to have enforced the principles of constitutional government. But the Assembly was too much split into factions, too barren of anything like common public spirit to admit of such a course. De Tocqueville gives his reasons for adhering to the Republic.

I wished to maintain it because I saw nothing ready or fit to take its place. The old dynasty was thoroughly distasteful to the country. In the midst of the lassitude of all political passions, which the fatigue of revolutions and their vain promises had produced, one single passion has remained alive in France,—the hatred of the old *régime* and

¹ The subsequent approval by the nation of the course of the President shows how a people tends to side with the executive against the legislature when it comes to a struggle. The only safeguard is in a close contact between the branches, with personal and public responsibility so that the people may be fully informed as to the merits of the case.

distrust of the old privileged classes which represented it in the eyes of the people. As for the Orleans dynasty, the experiment which had been made with it did not encourage a repetition. It could not fail to repel anew into the opposition all the upper classes and the clergy, and to separate itself as it had already done from the people, leaving the care and the profit of government to those same middle classes which I had seen during eighteen years so incompetent to govern France. Louis Napoleon was prepared to take the place of the Republic because he alone held power. But what could come from his success unless a bastard monarchy, despised by the enlightened classes, an enemy of liberty and governed by intriguers, adventurers, and valets?¹

It may be said, however, that a genuine republic was the most impossible of all, because the country did not know what it was and could not give it sufficient force. The nation had just begun to assert its authority over Paris, but did not know its own strength or how to put it forth. Given the necessity of strong executive power, there seems to have been no other way open than to place it in the hands of Louis Napoleon, though it may be doubted whether any other course could have produced such disasters as the German invasion and the Commune. That he was what he was was the misfortune of France. But with all its evils the Second Empire did this: it taught the nation to vote. The *plébiscites*, whether in his own behalf or in the annexation of Nice and Savoy, notwithstanding the evil practices by which the results were secured, did make all Frenchmen feel the possibility of acting together in civil affairs as they have done in war. We shall have occasion later to examine the value of this. It is to be noted that the German conquerors sternly refused to submit to any such test in Alsace and Lorraine.

The work of the *coup d'état* showed again with what comparative ease Paris could be kept in order. It was not merely the victory achieved by Generals Magnan and

¹ De Tocqueville, *op. cit.*, p. 311.

St. Arnaud on the 3d and 4th of December. M. de Maupas as prefect of police showed how, if the streets had been kept patrolled by strong forces of troops and especially of cavalry during the 3d of December and the night following, even that conflict might have been avoided. The military authorities chose deliberately to allow the insurgents till noon on the 4th to erect barricades and get into fighting order, that the army might, as was said, read them a lesson ; or because, as Kinglake thinks, General Magnan was frightened at the risk and responsibility of the undertaking and only moved when driven to it. If the same energy had been displayed in 1830 or 1848 the disasters of those times might have been avoided. In either case, no doubt, the monarchy would have been compelled to make some political concessions, which, owing to his name, were not necessary for Louis Napoleon.

The instruments employed by the President were worthy of the work. Not one single statesman or even general of national reputation sided with him. The two men who chiefly contributed to his success were De Maupas, prefect of police, and General St. Arnaud, Minister of War. The first of these was, on the breaking out of the revolution of February, sub-prefect of Beaune. By devotion to his service and skill in applying it he attracted the attention of Louis Napoleon, was rapidly promoted to positions of trust, and at the end of September, 1851, called to Paris and invited to take the prefecture of police. He was a worthy successor of Fouché.¹ Achille de St.

¹ The denunciations of Louis Napoleon are numberless. To appreciate his work thoroughly one should read the story of the *coup d'état* by De Maupas. There is something deeply impressive in the coolness with which he condemns all the leading men of France, assumes all the patriotism and all the virtue for his patron, and regards the arrest of all the principal statesmen and generals, and finally, of two hundred members of the Assembly, as merely incidents in a praiseworthy and well-conducted enterprise.

Arnaud, whose real name was Jacques Le Roy, had three times entered the army and had twice left it for discreditable reasons. He gained distinction in Africa and shared with Pélissier the glory of having stifled several hundred living Arabs with smoke in a cave. Among his qualities were unquestionable bravery, an iron resolution, and a complete absence of scruple of any kind. Behind these two stood Fleury, the son of a Paris tradesman, who had wasted the fortune left him by his father and enlisted in the army as a common soldier. Of immense energy and audacity, it was he who went to Africa to select St. Arnaud and he who held the doubting and dreaming Bonaparte to resolute action. After these men of action came those of counsel, De Morny, a fashionable adventurer of great address and daring, a gambler upon the stock exchange and of boundless ambition and greed; also Fialin, preferring to call himself De Persigny, who began life as a non-commissioned officer and whose leading characteristic was devoted service to the Bonapartism which he had raised to the dignity of a political principle. Not one of these men had a spark of patriotism, statesmanship, or what is commonly called moral principle. Wealth and power were the only gods they worshipped.¹

By the action of De Maupas and St. Arnaud, who had placed the army in and about Paris under officers of their own choosing, the leading generals and statesmen of the Republic and over two hundred members of the Assembly were arrested and thrown into prison until the new government was so firmly established as to be beyond their reach. On the 21st of February, 1852, a vote was taken throughout France upon the reëstablishment of the Empire.

The ayes were	.	.	.	.	.	.	.	7,824,189
The noes were	.	.	.	.	.	.	.	253,145

¹ Kinglake's account of these men may be taxed with exaggeration, but it is curious to observe how it tallies in essentials with the eulogistic narrative of De Maupas.

How far is this a condemnation of the French people? It must be remembered that the Legitimist and Orleanist monarchies had each in turn ended in revolution and bloody conflict in Paris and the failure of all government through the country. The new government alone had shown itself able to maintain order and suppress the anarchy which had become the nightmare of all peaceable citizens. That it could keep the Paris mob in subjection was alone a title to the esteem of the country. If the majority had voted against the Empire, what government could they possibly have looked to? It may be said they could have abstained from endorsing such a crime. In the first place, there was the whole system of prefects and their subordinates to exercise pressure upon the people, then officers of the army to guide the votes of the soldiers, and lastly the Catholic Church, which, true to her policy of alliance with the secular power, lent all her influence in support of the new *régime*. And to crown all came flattering proclamations from the chief of the State, with golden promises of blessings to come.

We have neither space nor inclination to follow the government of the Empire, even in the sham liberalism which in 1868 was grasped at as a desperate expedient when that Empire was tottering to its fall. Those who are interested in government by a system of spies, by a total suppression of the liberty of the press, of speech, and of public assembly, and by a legislature filled with official candidates, can find the arguments for them duly set forth in the pages of De Maupas. What is here to be noticed is external policy. One of the promises held out to France was that the Empire would mean peace. Yet a little more than two years intervened before the Crimean War, in which England indeed joined, but which was brought on by Louis Napoleon and the selfish schemers like De Morny and St. Arnaud, who were urging him for-

ward. The vast expenditure and loss of life led to no practical result. Within three years from its close the same forces led to the Austrian war of 1859, resulting indeed in the independence of Italy, but at a heavy cost to Europe in destroying the treaties of 1815 which had given her half a century of peace. Three years again elapsed and there came the Mexican expedition, surpassing in folly and infamy any of the others, and crowned by the disgrace of the execution of Maximilian and the peremptory notice to quit received after the close of our Civil War. The temptation to regard the German invasion with its infliction of frightful suffering, heavy indemnity, and the loss of two provinces as a just retribution upon the Empire is checked only by pity for the unfortunate nation which thus expiated the sins of its rulers. It may well be said that the heaviest curse which has fallen upon France in two centuries is the name of Bonaparte.

Meantime a fresh illustration of the benefits of royal and hereditary rule by divine right was developing itself before the astonished gaze of mankind. It is a wonderful history which begins with the March of Brandenburg, the bulwark in the ninth century of the empire of Charlemagne against the barbarians of the northeast. It was in 1415 that the first Hohenzollern, as Frederick the first elector, appears upon the scene. At the Peace of Westphalia in 1648 we have Frederick William, called the Great Elector for the same reason which gained that epithet for his descendant, because having an efficient army of twenty-five thousand men he was able to assert his claim to a large slice of the territory to be partitioned after the desolation of the Thirty Years' War. His son Frederick I. (1688-1713) bought the title of king by furnishing to the Austrian emperor eight thousand of his subjects to be slaughtered in the War of the Spanish Succession. To him succeeded Frederick William I. (1713-1740), the

amiable monarch so graphically depicted by Carlyle. Thanks to the army and the treasure amassed by him, his son Frederick the Great, having taken a fancy to the Austrian province of Silesia, pounced upon it, and was able to hold it by force, though with a complete exhaustion of the resources in both kinds left by his father. In 1756 he plunged into the Seven Years' War, in which one hundred and eighty thousand men are said to have perished in the Prussian service alone, the population was reduced by half a million, and the country was left almost in the same condition as after the Thirty Years' War. Being, however, as good an economist as soldier, he had almost retrieved the loss at his death in 1786, but left practically a nation of slaves, without independence or power of self-government. How frail and artificial the system was, appeared twenty years later when Napoleon crushed it like an egg-shell in 1806. In fact, the condition of the people in Germany was little better, perhaps worse, than that of France, the difference being that the former did not revolt. Under the leadership of Stein, and for the purpose of arousing enthusiasm against Napoleon, some concessions were made to popular liberty, but no sooner was the struggle over than the Holy Alliance set to work to rivet the chains again, and the people had but little more independence than before.

The popular uprising in 1848, stimulated by that in France, was complicated with the struggle for supremacy in Germany between Prussia and Austria. One man, however, took in the whole situation. In the period from the end of the fifteenth to the middle of the seventeenth century, England, France, Spain, and Russia had brought the various feudal powers into subjection to one royal house. Germany and Italy still remained split into separate factions. The new Richelieu, moved at once by contempt for popular liberty and devotion to the Prussian

royal house, with a large margin for self-aggrandizement, determined to do that which had been done elsewhere in Europe two centuries before. A firm believer in the time-honored Prussian method of violence, he announced that the pending questions must be settled not by majorities and minorities, but by "blood and iron." He was supported by one of those soldiers who differ from Genghis Khan and Tamerlane mainly in the employment of the profoundest modern science, and both by a monarch who, to the greed and ambition of Frederick II., united a convenient persuasion that he was the special instrument of God and the agent of the national will. England and France have both marked their progress from absolute monarchy to constitutional liberty by cutting off the head of a king. The milder manners of the time may prevent such an occurrence in Germany, but some equivalent protest against hereditary rule by divine right will apparently be necessary before that country can take a front rank in government among modern nations.

The descent upon little Denmark was quite worthy of the morality of Frederick the Great in his attack upon Silesia, and the swoop which prostrated Austria in six weeks would have excited the admiration of that monarch;¹ while even he hardly reached the degree of

¹ The War of 1866 was entered on not because the existence of Prussia was threatened, nor in obedience to public opinion and the voice of the people; it was a struggle long foreseen and calmly prepared for, recognized as a necessity by the Cabinet, not for territorial aggrandizement or material advantage (though the king of Prussia was to become the emperor of Germany), but for one ideal end — the establishment of power. — VON MOLTKE, "Franco-Prussian War," Appendix.

In the first chapter of the book, however, Von Moltke says, "Generally speaking, it is no longer the ambition of monarchs that endangers peace. The passions of the people, its dissatisfaction with interior conditions and affairs, the strife of parties, and the intrigues of their leaders are the causes. The great wars of the present day have been declared against the wish and the will of the reigning power." At that point the object of the writer was the condemnation of the French people.

ingenuity which, having for four years carefully planned the invasion of France and mapped out the distribution of troops upon her soil, succeeded in persuading all Europe that it was France which made the war. It may fairly enough be said that the Franco-German War caused more human suffering, even on the German side alone, than the three French revolutions which had taken place, excluding the period of the two empires.¹ The two cases must be excused or condemned according to their results. Opinions may differ as to the social and political condition of the two countries and time only can pronounce between them, but the tearing away of two provinces like Alsace and Lorraine, which, whatever they may originally have been, were at the time as French as any part of France; the military and police coercion of their inhabitants into a change of allegiance, which after twenty-five years is said to be still only external; the maintenance of a million of men constantly under arms in Europe, with reserves of say two millions more, at a cost to Germany alone many times more than the provinces are worth; the keeping of all Europe under the nightmare of a coming war compared with which anything in modern times seems likely to appear almost bloodless; these things can hardly claim the unmingled admiration of mankind. When many thousands of men are sent to slaughter, as many thousands more subjected to every form of torture which mangled humanity can endure, and the families of all reduced to penury and privation through being bereft of their natural supporters and protectors, the world looks on with applause, provided it is all done scientifically and with the precision of a machine, for the aggrandizement of a royal house, or of a military caste, to whom wealth and honors are dis-

¹ The war cost the Germans many victims. They lost 6247 officers and 123,453 men, one flag, and six guns. — *Ibid.*, Vol. II., p. 289. And this in a campaign of little more than six months.

tributed. But when the mass of a nation struggles desperately to escape from a political atmosphere which may be typified by the Black Hole of Calcutta, and exhausts itself in confused and at the same time apparently hopeless efforts, then the torrent of indignation breaks loose.

Was anything ever done by Danton, Robespierre, or Marat more brutal than the proposition read before the emperor in Council by the much-honored Field Marshal von Moltke in 1875? The facts with the evidence are given by De Blowitz, correspondent of the London *Times*, in an article in *Harper's Magazine* for May, 1893, entitled "The French Scare of 1875." Von Moltke urged, in view of the growing strength of France, that immediate war should be declared, Paris surrounded, and if necessary destroyed; that a fine of ten milliards should be imposed payable during twenty years without power of anticipation, and that garrisons should meantime be maintained throughout the country. This he declared was the wisest and, with a view to the sparing of future bloodshed, the most Christian course. It was Bismarck, who could at least understand that the force of public opinion in Europe was something different from what it was in the Thirty Years' War, through whom this Christian enterprise was foiled. Seeing that even his influence with the old emperor was not equal to the tempting bait held out by his military surroundings, Prince Bismarck caused the whole scheme to be revealed to the French ambassador, through whom it reached the Tsar of Russia and he interposed an effective veto. One is tempted to turn almost hopefully to the Scripture doctrine, that "they who take the sword shall perish by the sword."

CHAPTER XIII

THE SIEGE AND THE COMMUNE OF PARIS

IT is difficult to imagine anything more depressing than the situation of Paris in the beginning of September, 1870. The emperor had left the city pretty much to take care of itself. The entire armies of France, except scanty garrisons of the cities and forts, were on the Rhine frontier.¹ The men who were to make up the Government of National Defence had protested with all their energy against the war and the insufficient grounds on which it was declared. They had charged the ministers with acting upon the telegraphic reports of agents and had begged for further delay in negotiations, but in vain. After the departure of the emperor, they appealed to the *Corps Législatif* to take the government into its own hands and to provide for impending dangers. Both Chamber and ministry remained inactive. On Sunday, the 4th of September, at 1 P.M., a session was held under the weight of the news of the surrender of Sedan, which had taken place on the 2d. On the part of the conservatives it was proposed that a council of government and defence should be appointed by the Chamber, with Count Palikao

¹ The losses at Sedan were 17,000 French killed, principally by artillery, 21,000 taken prisoners during action, 83,000 surrendered. Total 121,000. — VON MOLTKE, *op. cit.*, Vol. I., p. 135.

At Metz there were 6000 officers, 167,000 men, taken prisoners, besides 20,000 sick, who could not be moved at once, making about 200,000. — *Ibid.*, Vol. I., p. 222.

Even if these figures are exaggerated, they indicate a number which, with the losses in previous battles, presents nearly the entire French forces under arms.

as lieutenant-general. The Opposition demanded that the Chamber should hand over the government to a commission of national defence, with the duty of calling a constituent assembly as soon as circumstances would permit. The members separated and were engaged in discussing these plans in their committee rooms, when a crowd broke into the building and filled the galleries. The members hastily reassembled, but the mob rushed in with them, shouting for the overthrow of the Empire and the establishment of the Republic. The President declared the session at an end. The members of the Left appealed to the crowd to preserve order, and Jules Favre, obtaining a moment's hearing and dreading a repetition of the scenes of May, 1848, proposed an adjournment to the Hôtel de Ville.

The scene there was a repetition of that of 1848 minus the violence.¹ Through a crowd which filled the building and its approaches the deputies representing Paris made their way into a small office, itself crowded to repletion, and then and there constituted themselves the Government of National Defence, with one or two additions in deference to the spectators. The names of these eleven men were Émanuel Arago, Léon Gambetta, Picard, Crémieux, Garnier-Pagès, Rochefort, Jules Favre, Glais-Bizoin, Jules Simon, Jules Ferry, Pelletan, to whom was added General Trochu as president and governor of Paris.

Of these men eight were lawyers, one a man of business, two journalists, and one a teacher by profession. Two of them had been members of the provisional government of 1848, being now respectively seventy-five and sixty-seven years of age. Besides these only one had held any prominent executive office. This was Jules Favre. Born in

¹ Hon. E. B. Washburne, United States minister, who was present both at the Chamber and the Hôtel de Ville, bears emphatic testimony to the good nature and peaceableness of the crowds in both places.

1809, he was then sixty-one years of age, and, the son of a Lyons merchant, had won his way by untiring industry. Having completed his law studies in Paris in 1830, he, like other men who afterwards became prominent, had made a reputation in the political trials of the time. In 1848 he was General Secretary of the Interior under Ledru-Rollin, and shortly afterwards Under-secretary of State for Foreign Affairs. Having entered the *Corps Législatif* in 1858, he combated the Empire at every step till its fall, while in its last days his eloquence and sincerity of purpose had made him distinctly the leader of the Opposition and marked him out for executive office. As vice-president of the new government and Minister of Foreign Affairs, to which was added, after the departure of Gambetta, the Ministry of the Interior, to him belongs the honor of having directed the civil government of Paris during the siege, and of having saved the city from starvation and negotiated the terms of peace, the work of Thiers having begun with his appointment to the executive power and after the Government of National Defence had passed out of existence.¹

The youngest member of the government was Léon Gambetta, a Marseilles lawyer, born in 1838 at Cahors, a town about sixty miles north of Lyons. Descended from a Genoese commercial family, he had sprung from obscu-

¹ It may be regarded as a favor to our readers to call their attention to the three volumes of his "Simple Récit d'un membre du gouvernement de la défense nationale." Apart from the charm of exquisite French prose, the simplicity and modesty implied in the title are combined with a degree of earnestness and sincerity which carry the conviction of a devoted patriot and a thoroughly honest man. Making allowance for errors and shortcomings, for weaknesses in the management of the populace and the National Guard, for irresolution with regard to municipal elections, and the irregularities of private life, which are said to have darkened the close of his career, he appears as one of the evolutions of individuality which go far to justify the first French Revolution, something as Abraham Lincoln was in his relation to the people of the United States.

rity to reputation through a speech in memory of Baudin, one of the victims of the *coup d'état*. His age of thirty-two years and his fiery southern nature, which refused to accept defeat, very nearly wrecked the negotiations for peace, but his character was redeemed by other qualities.¹

Next to him in age was Jules Ferry, who afterwards attained to distinction under the Republic. Born at St. Dié, a manufacturing town in the Vosges, he was thirty-eight years of age and had in addition to his legal practice made a reputation as a journalist. Acting as secretary to the new government, he occupied himself with the duties of internal administration of the city, and on the 15th of November became *maire* of Paris, succeeding Étienne Arago, who, having refused payment for his services in that office, resigned because the government would not sustain his promises for the election of a Commune.

Henri Rochefort, who seems to have been accepted as a concession to the more violent element, and whose undesirable reputation as a journalist taints everything with which his name is connected, may be left out of the account, as he also resigned after October 31, for the same reason if not with the same motives as M. Étienne Arago. A word must be said for Ernest Picard, a native Parisian about fifty years old, whose cool and clear-headed decisions in moments of crisis are gratefully quoted by Favre.

The head of the military operations was General

¹ For the present purpose take this passage: "After the war was over, his enemies put into operation all the machinery of a parliamentary inquiry, in the hope of blasting his reputation, soiling his honor, and destroying him in the public estimation; pursuing him for months, tracking him with spies, they could find no spot upon his garments. With absolute control of uncounted and untold millions, they had found his record clean and his hands unstained with plunder." — HON. E. B. WASHBURNE, LL.D., "Recollections of a Minister to France," Vol. I., p. 180.

Trochu. Entering the army in 1840 at twenty-five years of age, he served in Algeria as captain in 1843, in the Crimea as lieutenant-colonel and afterwards general of brigade, and in Italy in 1859 as a general of division. In 1867 he lost the favor of the court by publishing a pamphlet which revealed too freely the condition of the French army, but this did not prevent the emperor from naming him governor of Paris on the 17th of August, 1870, a position which he held till the close of the siege by the choice of the new government, which also made him its president. Of his military capacity this work does not attempt to judge. The energy displayed in preparing the forts and city for a siege, and the fact that he did keep the Prussians at bay for four months and a half, are in his favor; but the fussiness and loquacity which we are apt to think characteristic of French officials told against him, and that he failed to make efficient soldiers out of the material at his command showed that he could not have been a born leader. But what is here insisted on is the perfect sincerity of his unselfish devotion to his work and his country. Sharing these qualities in some degree with the men both of 1848 and of 1789-1793, the Government of National Defence in the practical application of them shows as great an advance upon the Second Republic as that did upon the First, and entitles us to hope for everything from the future of popular government in France.

It is worthy of remark that the new government met with no opposition whatever from the *Corps Législatif*, the Senate, or the ministry, which all disappeared without sign.

The whole fabric of the Empire dissolved at once. All its champions, all its obedient functionaries and servants, yielded at once without one act of fidelity or devotion. Yet it was from no want of courage, still less from calculated defection. It was the instinctive

feeling of the human conscience, awakened by the excess of disaster and manifested in unanimous reprobation of the man and the system which had ruined France. It is this which explains the passiveness of the Legislative Body and the ministry. They accepted their fate, knowing in their hearts that they deserved it. Perhaps some of them were irritated against those of their colleagues who took power, but none regarded these as usurpers, for all knew that they had acted against their will and because the majority had persistently refused to exercise any act of vigor while it was still time.

And this is the answer to all the accusations which have been heaped upon the deputies who on the 4th of September thought it their duty to place themselves at the head of public affairs. What would have happened if they too had bowed their heads before the popular flood, and put their personal safety before that of their country? The Commune of Paris would have been installed at the Hôtel de Ville, and with it civil war, the division of the army, the ruin of the defence, the disgrace of defeat through anarchy, dishonor in the face of Europe. That was the certain future which was reserved for us, and no candid man can deny it.¹

Meantime the victorious Prussians were advancing on Paris, and on the 19th of September the investment was complete, and the last electric wire was cut which connected the inhabitants with the outer world. Only the day previous, M. Favre carried out a resolution to make a last desperate effort to avert the impending disasters. Without the knowledge of the people, or of his colleagues except General Trochu, whose permission was necessary to pass the French outposts, he sought the famous interview with the German Chancellor at Ferrières. The wisdom of his action has been challenged by many, but his reasons given appear to be unanswerable. It is only in works of fiction that accounts so circumstantial are usually given, and no fiction can carry with it the intense interest created by fact. The sketch given of Count Bismarck was no doubt written afterward, but that it was based upon impressions received at the time shows the generosity and freedom from egotism of the writer's

¹ Favre. *op. cit.*. Vol. I., p. 92.

mind. Already the Prussian terms included the cession of Alsace, if not of Lorraine, but it was the demand for the surrender, as prisoners of war, of the garrison of Strasburg, which still held out, that drove M. Favre to close the interview.

On the 6th of September, M. Favre, as Minister of Foreign Affairs, issued a circular to the French diplomatic agents abroad, in which he declared that "not an inch of our territory or a stone of our fortresses would be surrendered." This declaration, in view of subsequent events, has been the subject of much ridicule and obloquy; as if it was not the commonest feature of a bargain that each side should put forward the extreme terms which it even desired to obtain. There is no doubt that the phrase expressed the almost unanimous feeling of the country, or that it animated the spirit of resistance which was aroused by the German demand. Again there was much outcry at the folly of the useless resistance of the next five months, involving such vast destruction of life and property, so much of human suffering, and ending in terms even more onerous than were offered in the first interview at Ferrières. Is there an American with blood in his veins who does not honor France for that resistance? Does it become us, so proud of our ancestors who for seven years held out against Great Britain in a struggle quite as hopeless in appearance and with infinitely less cause, to condemn the French because the result was different? Was there not value received in the effect on the spirit of the nation? If France had quietly submitted after the fall of Sedan and Metz, she would have lost caste among the peoples of Europe. It is because she showed herself, even under such conditions, almost a match for the Germans, that she has recovered her place so rapidly.

The wonder is that the resistance was possible. Men enough indeed there were. According to the *Constitu-*

tionnel of September 14 the forces in Paris consisted of —

100,000 <i>gardes-mobiles</i> , or militia from the provinces,
170,000 national guards,
9,000 <i>corps francs</i> ,
70,000 regular troops,
<hr/>
349,000

and, owing to the energetic measures of General Trochu, not only the troops but the forts seem to have been sufficiently supplied with arms and ammunition. But the forces were not efficiently organized or officered. The difference between trained and volunteer armies has, in this century, greatly increased. To the unmilitary mind it seems strange that the Prussians did not force their way into the city at the start. They probably knew what street fighting on the part of a people like that of Paris in defence of their homes against the foreigner really meant, and haughty as they were they feared a revolt of the public opinion of Europe against such severe measures as would be necessary to reduce the city to subjection. They decided, therefore, to reduce it by famine, trusting that internal dissension would hasten the result.

It was a spectacle without precedent in history, that of a besieged city enclosing in its walls a multitude of nearly two million five hundred thousand souls, a prey to the severest privations, to unspeakable sufferings, and to feverish agitation, and to whom, nevertheless, was left complete liberty of thinking, writing, speaking, and assembling. In the midst of this multitude, four hundred thousand armed citizens, obeying excited chiefs and refusing submission to any regulations except those which suited them, represented the public force, and might in some hours of aberration overthrow and deliver the city which they were charged with defending. Add to this the numberless volunteers, the orators of the clubs and the public square, the journalists who every morning stirred up passion and preached insurrection, spies and conspirators, and it may be imagined what formidable difficulties were presented by the conduct of affairs in the midst of so many causes of disorder. And yet these five months of martyrdom passed over us, and, except on the days of October 31 and January

22, in which the seditions were put down without difficulty, order was not troubled by civil war, and the insurrection so pleasantly predicted and to the concurrence of which the Prussians looked for the success of their designs, did not break out till after the government of defence ceased to exist, when Prussia, though still established at our gates, was bound by a treaty; when disturbances deeply rooted, and which might have been avoided, had thrown into the population of Paris the seeds of death which some rascals developed with infernal skill.¹

The behavior of the people cannot but excite admiration. If we consider what a complex problem the daily supply of a great city is, — that during those long winter nights a matter of such common necessity as the lighting of the streets was almost wholly suspended; that for weeks at a time there was no communication with the outside world; that a large part of the population consisted of workmen, who though receiving allowance from the government were unemployed and idle, — it seems wonderful that no more disorder took place.

The most trying period was that of the 31st of October. Three events had concurred to excite the population to the highest point, — the surrender of Metz, the failure of an attack on the village of Bourget, and the report of negotiations for an armistice undertaken by Thiers. About eleven o'clock on the morning of the 31st some battalions of that part of the National Guard which was given up to sedition had made their way to the Hôtel de Ville, a vast crowd began to assemble, and the members of the government were summoned. Favre says that Picard was earnest in his advice not to go, as it was much wiser to arrange the means of repression from the outside, but being overruled he yielded and went with the others. Étienne Arago, the *maire* of Paris, then Rochefort, and at last Trochu tried the effect of their eloquence upon the crowd, which kept on increasing every quarter of an hour.

¹ Favre, "Simple Récit." etc., Vol. I., p. 100.

Towards 2 P.M. a delegation of fifty persons asked admission, of whom the spokesman submitted a demand that the government should resign and be replaced as follows : —

The electors will be convoked in three days' time to name a Commune in Paris which will be composed of eighty citizens, among them the members of the future Cabinet, who will be responsible to the Commune as it in its turn will be to the French people. The powers of the Commune will expire when the hostile army shall have evacuated the soil of France and a regular Constituent Assembly shall have been named.

The members of the government retired to consult. But the tumult outside had been increasing. Shots were fired, no one knows whence. The door of the room in which the members were sitting around a table was forced, the crowd swarmed in, the leaders jumped upon the table, and one of them, the notorious Flourens, addressed the crowd in a squeaking voice, declaring the government deposed, naming a new one, and calling for space, that they might have room to deliberate. Meantime the members of the government retained their seats, Favre impassible, Simon sketching disdainfully upon some paper before him, and Trochu quietly regarding the guns pointed at him. All steadily refused to resign or to sign an order for the election of the Commune. Presently a battalion of the better part of the National Guard came cleaving the crowd like a wedge and carried off General Trochu, behind whom Émanuel Arago, Ferry, and Pelletan cleared themselves a passage, though Favre, Simon, and three others were still held back by the crowd. The members thus set free, following up the preparations of Picard, who had got out of the building at an early stage, proceeded to organize relief. A battalion of *mobiles* from Finisterre entered the Hôtel de Ville through a subterranean passage known to but few ; another force of the party of order

entered from the outside, and the insurgents, finding themselves between two fires, quickly dispersed. At three o'clock in the morning Favre, who had eaten nothing but a piece of coarse bread and a slice of half-cooked horse given him by one of his captors, was released, but before seeking the needed repose visited the governor to concert the necessary measures for preserving order, and appointed a meeting for seven in the morning.¹

Thus far the Government of National Defence, with scruples which would not have troubled Danton or Robespierre, had suffered from the vice of its origin. It was wholly self-constituted, and therefore timid in exercising its authority. It determined now to imitate the Second Empire in one respect by taking a *plébiscite*. On the 1st of November appeared a proclamation asking for a popular vote. The government, it said, owes to itself to ask of the citizens whether or not it retains their confidence. If universal suffrage pronounces against the government as actually constituted, within twenty-four hours the people will be called upon to provide a substitute. If it declares, on the contrary, that power shall remain in the same hands, the men who now hold it will continue to hold it with this new confirmation. But that

¹ Mr. T. J. Bowles, correspondent of the *Morning Post*, in his "Defence of Paris," thus describes the scene:—

"An accepted government with all the signs and appurtenances of authority is suddenly replaced at its own council board by a few individuals without striking a blow in self-defence, then these same individuals are ousted in their turn without striking a blow and finally they embrace all round. Surely this passes the wildest bounds of the burlesque."

The events of the Commune were to show how perilously near it was to the tragic. And yet these conditions point out how even the latter might have been dealt with by firm and cool resolution. The same old trouble had reappeared, the want of any settled and stable public opinion, the absence of mutual confidence in the community, the failure of self-assertion on the part of honest and lawful government in behalf of the great majority against the violence of the few. The weakness of executive power is the most difficult of all the problems with which popular government has yet to deal.

no one may be deceived as to the meaning of the vote to be taken, they declare in advance that the uprising of October 31 must be the last of the siege; that they will no longer allow any obstacle to come from within. That the government should pass its time in arguing and defending itself when it is time to act without ceasing against the enemy, that the National Guard and the army should exhaust themselves amid cold and fatigue in the streets when they ought to be on the ramparts, is a crime against the nation and against common sense. It cannot be reproduced.

The voting was conducted in perfect liberty and profound calm. Mr. Bowles, in his "Defence of Paris," remarks upon the difference from the noise and turmoil of an English election. Nothing was to be seen except individuals quietly approaching the polling booths, depositing their ballots, and going away again. The result was overwhelmingly on behalf of the government, 557,996 votes against 62,638. The significance of these votes can hardly be overestimated. The question was plainly put, and the answer was emphatic. It seems as if it might have been strong enough not only to prevent disorder during the siege but the subsequent deeds of the Commune. A popular government, however, which will act with stern despotism on behalf of the great mass of the people, is apparently a desideratum yet to be attained.

As M. Favre tried every means to interest the European powers on behalf of France, so Count Bismarck tried to throw on the French the blame of refusing the armistice which was the object of the negotiations with M. Thiers in October. Both Favre and Thiers demanded the "proportionate revictualling" of Paris during the armistice, that is, a supply of provisions which would place the city in the same condition at the end that it was in at the beginning. This Bismarck positively refused to grant.

The Frenchmen replied that, as their hands would be tied for offensive operations both in the city and the provinces, and as the city must sooner or later be reduced by starvation unless relief came, such an armistice would simply enable the Germans to carry on their siege operations without molestation with no guarantee of any results for France. Assuming that the French still had hopes of success and were not prepared to surrender at discretion, the argument seems conclusive.

While Paris was thus determined not to yield, the same spirit was animating the provinces. The three men who left Paris in September as delegates of the Government of National Defence — Crémieux, Glais-Bizoin, and Admiral Fourichon — were, with the exception of the last, who yet declined to act in opposition to his colleagues, among its weakest members; and when Gambetta, on the 9th of October, descended from his balloon voyage nothing had been done. A German military writer¹ has done justice to the tremendous energy of Gambetta and his wonderful insight into the conditions and requirements of the situation; has shown how in a few weeks he raised an army of one hundred and eighty thousand men and kept it constantly renewed, and how by his command of the sea he contrived that it should be at least as well supplied as his German opponents.² The achievements of Gambetta may be compared with those of Danton and Carnot in the last century, but the enemy was different. The profoundest

¹ Baron Colmar von der Goltz, "Gambetta and his Armies."

² Comment! Pendant vingt ans Bonaparte a préparé ses moyens d'agressions, organisé, dépensé vingt milliards. La France a consenti à tout, elle a tout donné, hommes et argent: quinze jours ont suffi et tout a disparu. Et nous qui n'avions rien trouvé, qui n'avions eu pour moyen que les ressources improvisées par l'initiative du pays, nous résistons depuis quatre mois devant un ennemi qui multiplie ses forces, mais qui sent bien que si la résistance continue à embraser l'âme de la France c'en est fait de l'invasion. — FAVRE, "Simple Récit," etc., Vol. II. Discours de Gambetta à Lille, 19 Janvier, 1871, quoted in the *pièces justificatives*.

resources of organization and science which make the difference between ancient and modern war: a corps of officers, perhaps as well selected and as carefully trained as any army ever possessed; an iron discipline which made of the troops animated machines; these were the German strength. On the side of the French, apart from a few sailors from the navy and regular troops, there were only peasants and militia; officers taken at random, some among whom, however, like General Chanzy, compelled admiration from their opponents; a dictator, who with all his energy was a civilian and not a soldier. The contest was too unequal. The only question was, as has been already intimated, whether it was hopelessly so to a degree which made it mere insane folly.

An important consideration is as to the degree of harshness and cruelty of the invading armies. No doubt men of the stamp of Bismarck and Von Moltke were exasperated at what seemed to them a wantonly continued resistance. They remembered how, after the battle of Jena in 1806, the government of Prussia had completely collapsed, and the country lay prostrate at the feet of Napoleon. They had seen their own invasion result in the surrender of Sedan with the emperor of the French and a large army, and the locking up in Metz of almost the whole remainder of the available armies of France. That a group of lawyers, without military experience or apparent resources and with no authority from anybody, should take the government into their own hands, sustain a siege in Paris, and keep up a corresponding resistance in the provinces for nearly five months seemed to them a clear violation of the laws of war, and to be visited with a just severity.¹ Probably,

¹ Prussian pretensions are enormous. They positively assume to consider as a violation of the laws of war any attempt made by Frenchmen to defend their own lives and property, and massacre without mercy and in cold blood anybody who stirs a finger against them, while they burn

however, their conduct was no worse than that of an invading army will always be. The crime was in the deliberate planning and carrying on of the war. Towards the end of December the bombardment of Paris began, which was to continue for a month. To the protest of the foreign consuls and the surgeons against the bombardment of private residences and hospitals, Von Moltke, most scientific of artillerists, replied that it was impossible to control the fire in the mist and the night, that he should soon rectify it by approaching nearer the city walls, and that if he did depart from the laws of war it was no more than the French had done since September 4.

In the month of December a conference of the powers was called to meet in London with reference to the treaty of 1856 relating to the neutralization of the Black Sea. Lord Granville sent to M. Favre a polite invitation to be present, and stated that out of consideration for him the meeting would be postponed to January 3. The struggle in the mind of the Frenchman was intense. On the one hand it seemed impossible that the condition of France should not be taken up by the conference and there was every hope that better terms might be obtained. Gambetta in his pigeon despatches strongly urged the departure. The result of this, however, was uncertain. What was quite certain was that Paris was rapidly approaching the period when it must surrender or starve. Favre alone could lead it through this crisis and the call of duty compelled him to remain. Fortunately Count Bismarck, who did not want him in London and did want him in Paris, settled the question by delaying on frivolous pretexts the transmission, first of the invitation and then of the safe-conduct, till on the 15th of January it was too late.

Day by day the government had taken account of the

any town that is unable to satisfy the kind of robbery they call requisition. — T. G. BOWLES, "Defence of Paris."

supply of provisions, but kept the knowledge from the people. On the 23d of January the return showed resources sufficient, with the scanty rations allowed, to last till the 31st. It would take at least a week or ten days to introduce supplies from the outside, and a few days of delay might condemn a large part of the two millions of inhabitants to death by starvation. No time was to be lost. And yet the question presented itself, Was it better to negotiate or to surrender at discretion and to put upon Prussia the responsibility of taking possession of her conquest, of creating an imposed government, and organizing an administration? Suppose that in the process scenes like those of the Commune had taken place, the horror of Europe would have been too much even for Prussia to bear,¹ and if the country had been thereby driven to further desperate resistance her power might have been seriously tested. Again, it was a question whether to make peace for Paris alone, or for the whole country, as to which the authority of the government then in the city was questionable. All these things M. Favre had for a month been revolving in his mind. The municipal officers had refused to take any share in the burden of negotiating. His colleagues, while recognizing the necessity of treating, agreed in insisting that his official position and his former relations with Count Bismarck pointed to him as the sole negotiator.

Early on the morning of the 24th of January an officer of General Trochu's staff, Captain d'Hérisson, to whom Favre accords his usual generous meed of praise, started for the Prussian lines. At half-past four no answer had been received. An icy fog hung over the city. The cannonade from the forts and the ramparts seemed heavier than ever, while the shells rained down. About five

¹ A repetition of the burning of Moscow in 1812 was not an inviting prospect.

o'clock, as M. Favre was waiting in anguish, the door opened and the officer appeared with a letter from Bismarck, offering an interview the next day, or that ensuing if desired. A few minutes sufficed for preparation. Taking by carriage a circuitous route to avoid public observation, M. Favre crossed the Seine in a small boat among the floating ice, the darkness being relieved only by the flames of burning St. Cloud, while his companion kept the boat free from the water which leaked in by the Prussian bullet-holes. Was there ever a more momentous mission given to man?

Of the next twenty-four hours M. Favre gives a detailed account. While doing full justice to Count Bismarck's manner, he shows himself in the hands of men — for Bismarck constantly referred for decision to the king and Von Moltke — to whom mercy meant weakness, and who openly declared themselves to be governed by no motives but their own interest. It has been vaunted as an instance of great magnanimity that the Germans consented to waive the occupation of Paris. In fact, it was a simple choice of alternatives. Favre positively declined to be responsible for the consequences if the Germans did enter the city. They must decide either not to enter it at all, or to take possession of it entirely and govern and administer it as a conquered city.

The compromise, submitted to by M. Thiers in a subsequent interview as a consideration for the retaining of Belfort by the French, and by which the Germans were to occupy only a small district including the Champs Élysées, had a curious result. By the terms of the preliminary treaty even this portion was to be evacuated immediately upon the presentation of a ratification by the Assembly. On the 1st of March under a splendid sunshine the troops marched by the Avenue de Neuilly and around the Arch of Triumph to the district assigned to them. The emperor

had arranged for his triumphal entry on the 3d, and the different army corps were to succeed each other in the encampment. Meantime M. Thiers at Bordeaux was feverishly urging the Assembly to vote the ratification. At eleven o'clock in the evening of March 1, a telegram reached M. Favre that the vote had been passed. He could not pass the Prussian lines at night, but at six in the morning he was on his way, and by seven reached the lodgings of Count Bismarck at Versailles. The Chancellor had retired, and expressly forbidden disturbing him before noon. All that could be done was to leave a written message. Foreseeing that a telegram would not be accepted as sufficient, the Frenchmen had made every preparation. The official protocol had been drawn up in advance at Bordeaux; a locomotive waited at the station with steam up. In a moment after the vote was passed the papers were filled up, signed, and sealed, and an agent started for Paris. Half an hour after noon on the 2d he entered the room where Favre was waiting, and while the latter was examining the stamps and seals, a telegram came from Count Bismarck apologizing for not receiving the minister and saying that a second visit would be useless, as a formal record of the deliberations of the Assembly would be requisite for the exchange of ratifications.

Favre at once replied, "Your Excellency's objection is perfectly just. I shall leave in a few minutes for Versailles and shall have the honor to submit to you the most complete satisfaction." Taking with him the expert chief of the protocol department, he appeared before Count Bismarck, who could not conceal his surprise and displeasure at such prompt action. Every word and phrase of the document had to be scrutinized in search of an irregularity. But after half an hour of examination there was no escape. The emperor had to give up

his triumphal entry, and that of the troops was limited to the detachment which had already passed in.

This is not the place to follow the details of negotiation which were continued at Frankfort and ended in the payment of the ransom and the evacuation of French territory. On the 12th of February, 1871, M. Thiers having been elected chief of the executive power, the Government of National Defence surrendered its power into the hands of the National Assembly. Its members retired from office poorer than they had entered it. At the earnest solicitation of Thiers M. Favre retained the Ministry of Foreign Affairs and supported him loyally through all the negotiations which followed. On the 29th of July, 1871, taking advantage of a vote by the Assembly which pointed to the restoration of the temporal power of the Pope, he resigned his office and retired to private life.

What of detail has been here given is intended to show that, measured by the standard of human achievement and the circumstances being given, this company of unknown civilians proved themselves to be fully equal to the selected agents of absolute monarchy, and that the results of the emancipation from caste, of the equality of all men before the law, and of popular government which were inaugurated in France by the first Revolution, have in so far given no ground for discouragement. To this point, indeed, from the commencement of the war there is nothing, upon the whole, to stain the honor or diminish the reputation of the French people. As it was the deeds of the Commune which came to add disgrace to humiliation and disaster, a short review of them may now be permitted.

We have seen the share which was taken by the National Guard in the Revolution of 1848. This institution was established in 1789. Under the First Empire it

was disarmed, under the Restoration disbanded. Reëstablished in 1830, it was again suspended under the Second Empire, but restored by the Government of National Defence on the footing of 1851. On the 8th of August, 1870, the following proposition was submitted to the Chamber, and became the basis of the new organization.

Seeing that the efforts of all citizens are required to repel invasion and that every inhabitant is entitled to the weapons necessary for the defence of his home, the Chamber decrees that arms shall be immediately distributed to all the able-bodied citizens inscribed upon the electoral lists.¹

The rush of citizens to be enrolled was so great that it had not been practicable to require any proof of domicile or even of nationality; foreigners, old men, vagabonds, condemned criminals, minors, had received arms. Out of 360,000 applicants two-thirds were neither clothed nor equipped, though a large part afterwards came to be.² . . . And these men elected their officers and exercised largely the police of the city. The pay was thirty cents per day, increased later to forty-five cents for a family. The men spent it in idleness and often in drink, instead of taking it to their families, and yet—as M. Favre says—without the pay there would not only have been no National Guard, but it would have been impossible to suppress the outbreaks of wrath and famine which would have destroyed and dishonored the defence.³

From the very beginning the population of Paris—and the same is in a measure true of the National Guard—had been divided into two camps: those who had seen in the siege only a means of arming revolution, of living without working, of getting themselves fed and paid to fulfil a duty which they singularly lightened by the fixed determination not to fight, and those, in much greater number, who had supported the siege in good faith, with all the ardor of real patriotism, and looked for no other reward for their obscure sacrifices than the having contributed to the safety of the country.⁴

Trochu would not listen to me when I told him he was wrong in not making better use of the National Guard. If he had encamped them outside of the fortifications and hardened them by constant skirmishing with the enemy, taking care to keep them in advantageous positions, I have no doubt that in the grand battle they would have

¹ Favre, *op. cit.*, Vol. I., p. 35.

² *Ibid.*, p. 212.

³ *Ibid.*, p. 251.

⁴ Delpit, "Report of a Committee on the Insurrection of March 18," p. 23.

done their duty. Instead of that they were kept shut up in quarters and allowed to organize themselves for the triumph of an unsound demagoguery, while the men were paid regularly and were quite content to be supported in doing nothing. They were made to execute some delusive attacks, after which they returned in triumph to the sound of drums and music when they had not seen the enemy, or else in unspeakable disorder when their heads of columns had heard the balls whistle. Thus they were of no use and remain to-day all armed for disorder, since their guns have been left them just at the time when the regulars were disarmed, as Bismarck himself pointed out to Jules Favre. We shall see by and by what that will lead to, and I am very much afraid lest when they begin to withdraw from the National Guard the pay which has been given them since the beginning of the siege, we may have to sustain against them a struggle even fiercer and more bloody than that of June, 1848.¹

The origin of the outbreak must be sought in that of the Central Committee. After the 4th of September numerous committees sprang up all over the city, and while the Government of National Defence was taking shape there was forming in the Hôtel de Ville at the same moment another central committee under Rochefort to dispute the supremacy. This committee existed all through the siege, though it did not complete its organization till March 3. In the month of December was formed a Republican Federation of the National Guard, which in February chose a central committee of the whole body. A federal committee of the National Guard was also formed to attend to questions relating to pay. These two committees were consolidated, and on the 3d of March were by negotiation merged in the main Central Committee above described, which thus became the directing authority. Its members were regularly elected in the fourth degree from the general assemblies of the companies, the other three degrees remaining as local committees and transmitting orders to the 215 battalions who joined the federation. In their

¹ Conversation of General Le Flô, Minister of War, at Bordeaux, after the armistice, reported by General Thoumas, "Paris, Tours, et Bordeaux," p. 245.

declaration of the rights of the armed population the committee state that "The Republic being the only rightful government cannot be subordinate to universal suffrage, which is its work. The National Guard has the right of naming all its chiefs and of revoking them when they have lost the confidence of their constituents."

This power of the committee from the first, therefore, had just as much reason of existence as the Government of National Defence, and in the end was much more strongly established, especially after that government had resigned on February 12 and the nominal supremacy had passed to the Assembly at Bordeaux, with Thiers as the executive head. The leaders of the Commune were not merely unknown men who grasped at dictatorial power. They were regularly constituted with an administrative system, and they had the singleness of purpose and fixed resolution which characterize men who are contending for their own personal interest, which are almost surely wanting to men who are acting in the interest of others, and which in the latter case can only be supplied by a clear conviction of the support of a strong and united public opinion. The reasons of the non-success of the Central Committee on October 31 are given as follows : —

1. The full organization of the revolutionary forces did not go back beyond the general assemblies of February 15, and the 3d and 15th of March — that is, after the Government of National Defence had resigned and Paris was left practically without any government at all.

2. Up to the capitulation the battalions of order were completely organized and full, and more than balanced those of revolution.

3. Up to that time the regular army obeyed the government.

4. During the siege the population faced the enemy and

the sentiment of patriotic duty was in force. They still hoped to conquer and had not undergone the disgrace of surrender and disarmament.¹

It was with the armistice that the forces of disorder came to a head. The people had been stimulated by the government with hopes of victory from the combined efforts of the city and the provinces, and the danger of starvation had been concealed from them. The capitulation which proclaimed that their sacrifices were in vain came like a thunderclap and produced an outburst of rage. Just as prolonged solitary confinement ends in madness, so the shutting up of this great city for five months from the outside world, with the total subversion of all their habits and modes of life, had produced in the inhabitants a mental condition approaching insanity. The Committee of Inquiry, in making this remark, report in their evidence that Count Bismarck, in the council of the king of Prussia, had always opposed the siege of Paris. "You are taking upon yourselves all the responsibility of events which will be horrible, and the siege of Jerusalem will be nothing compared with that of Paris." And they quote Thiers as having made on the 21st of August the same comparison.²

Again, before the siege began the well-to-do classes had taken their families into the country, and left them ill supplied with money and resources. When, after five months of separation, the armistice came to release the former there was an exodus, perfectly natural but fatal in its effect. Those classes had never been trained to feel that the responsibility of preserving order rested upon each individual in his proportion. Nearly sixty thousand of the National Guard, officers and men, were said to have left the city, all belonging to the party of order, and who thus left the city at the mercy of the violent.

¹ Jules Simon, "Government of M. Thiers," Vol. I., p. 176.

² Delpit, "The 18th of March," Chap. I., p. 19.

In accordance with the terms of the armistice the government stated in their proclamation of January 25, 1871: "The National Guard will preserve intact its organization and its arms. A division of twelve thousand men (of other troops) remains in arms. The other soldiers will retain their swords." Of this latter class there were nearly two hundred thousand who, instead of being placed in a camp, were turned loose to mingle with the population while they were indignant at the distinction made between them and the National Guard. To them were added adventurers of all kinds, not merely French, but from all Europe — Garibaldians, *corps-francs*, and *mobiles*. There was no doubt that the great cause of the insurrection was the failure to disarm the National Guard, of which Bismarck pointed out the danger. But could it have been done? The National Guard was determined not to be disarmed. Admiral Pothuau maintained that by taking a few battalions at a time it could and should have been done. General Le Flô, Minister of War, said that it would have taken several days and if a conflict had arisen it would have stopped the revictualling of Paris and starved the people. At all events the government as a body expressed great relief when they learned that it was not to be attempted. It seems, however, that the large number of cannon which had been made during the siege, and which lay almost unprotected, should have been kept out of the hands of the National Guard. The rumor that the Prussians at their entry intended to take possession of them was made use of to arouse the people, who seized and dragged them to the heights of Montmartre. It was the feeble and unsuccessful attempt of the government of Thiers to retake them which brought on the armed conflict.

The *maires* of Paris attempted to retain some control. On the 5th of March they were assembled at the Ministry

of the Interior, when M. Vautrain of the fourth ward declared that the danger was not in the cannon but in the Central Committee, and urged the immediate arrest of its members. But the *maires* were twenty in number, more or less in sympathy with the people, and they preferred conciliation, the futility of which was shown by the recklessness with which the Central Committee broke all its agreements. In fact, that committee did not attempt to conceal that the object of their hostility was not the Prussians but the government, and when the former entered the city the committee drew a cordon of guards round the district to prevent collision with the people. The departure of the Prussians rather increased than calmed the excitement.

On the 19th of February the government passed a decree that pay should be accorded only to those of the National Guard who should make written application and prove their necessities. It was the first step towards a total suppression of pay, and its effects were an exaggeration of those which followed the same step in the national workshops of 1848. Moreover, during the siege all ordinary business had been suspended. Mercantile debts and rents had not been paid. The Assembly undertook to fix a time when payments should be resumed, and bankruptcy staring them in the face added to the silent despair with which the world of small traders regarded the proceedings of the Commune.

It is an interesting question whether the evacuation of Paris by the army, ordered by M. Thiers after March 18, and which caused the greatest disasters of the Commune, was necessary.¹ Generals Vinoy and Le Flô, the Minister

¹ De Persigny relates that at the time of the threatened popular uprising of January 27, 1849, he was sent by the President, Louis Napoleon, to ask the advice of his minister, M. Thiers, which was this, "Tell the prince that I call upon him to summon Marshal Bugeaud at once

of War, supported Thiers. It had been found by inquiry that no part of the National Guard could be relied on against the rest. The regular troops had on several occasions fraternized with the insurgents. On the other hand, the rest of the ministry strongly urged remaining in Paris at any risk. M. Jules Ferry, the *maire* of Paris, was at the Hôtel de Ville with a regiment of the line, and the adjoining Lobau barracks held a hundred men with four thousand cartridges. He protested in the strongest manner against leaving the building and urged its defence. After repeated communications a formal order came from General Vinoy, which the officer in command declined to disobey. The Hôtel de Ville was abandoned on March 27 and the Commune entered, to remain there seventy-two days, and ended by destroying it. It is difficult to resist the conviction that if a chief with the resolution of Cavaignac or Gambetta had been at the head of affairs much of the disgrace and disaster of that time might have been spared. This feeling is strengthened by the conduct of Lieutenant-Colonel Lockner in the fort of Mont Valérien. That fort was the only one which was not abandoned, though included in the formal order of Thiers, and it was the most important means in the recovery of the city. Colonel Lockner had but twenty-five men with inferior guns, but when a battalion of National Guards presented itself and proposed to occupy the fort, he told their leader he would give him and his men ten minutes to quit the place, failing which he would sweep them away with his artillery. M. Thiers never possessed that kind of courage.

The inaction of the Prussians during this long period

from Lyons, and to propose to the Assembly to adjourn to some provincial city, Chalons or Orleans, out of reach of clubs and under the protection of the army." The envoy is strong in his expression of surprise and contempt. — "Mémoires," p. 40, 1896.

also requires explanation. Bismarck had allowed the government to increase their army gradually from the fifteen thousand men allowed by the treaty to one hundred thousand, but he pursued them with bitter complaints of the delay in recovering the city, and threatened constantly to take the matter into his own hands. This last of calamities M. Favre strove to avert with all the energy of despair. He pointed out to Count Bismarck that if he did he would find no government to deal with, that the nation would infallibly reject any government which should submit to such humiliation, and that it would be impossible to carry out the terms of peace. As the Germans from the stern and increasing necessity of returning their own army to its homes wanted peace almost as much as the French, Count Bismarck yielded to the argument.

The moral causes of the insurrection are discussed in the report of the Committee of Inquiry by M. Favre and other writers. The corruption of the Empire comes first with its system of repression and material compensation.¹ The people were treated like beasts, and when the occasion came behaved like them. The committee dwell upon the decay of religious faith and moral principle, and they point to the religious appeals of Gladstone and Lincoln, and, they add, Grant. An American may be permitted to remark that the only religion offered to the French has been the Roman Catholic, with its history in France, and to expect that, whatever may be the merits of individuals, a populace will be kept in subjection by implicit faith in the dogmas, precepts, and practices of that religion is to lean upon a broken reed. But the one cause to which all parties appeal is the want of confidence and toleration between classes. The committee say : —

Is it not indispensable for the security of our country that the party which demands at once order and liberty should seriously

¹ *Panem et circenses.*

organize itself? If on the 18th of March it had been disciplined, erect, as it is in England, this oppressive and shameful reign of seventy-two days would not have lasted even for a few hours.¹

And again : —

The grand cause of the 18th of March, that which perpetuated the danger of this mad insurrection, which prevents France from settling herself and working at least for the reparation of so much disaster, is the abstention of honest people, the timidity and inertia of the great conservative party.² We have not enough in France of civic courage. To fight against an enemy is no difficulty for anybody, but to express aloud one's opinion, not to yield to the clamor of an erring crowd, to protest against crazy follies which make all sensible men shrug their shoulders, that is what we do not know how to do.³

Once more : —

Let honest men unite, a great conservative and liberal party be everywhere constituted, let those who wish for liberty, order, property, family, religion, be ranged under the same flag, and they will be astonished at the small number of their adversaries. But with universal suffrage, with liberty, with the progress of democracy, which seems to be the law of the future, the good must be everywhere and always in the breach. No more abstentions, no one must desert the combat.⁴

The evil remains still almost untouched because the nation has not yet found the secret of organizing strong but responsible executive power in which all can have confidence, and forming the only instrument by which all can work together.

The fact is that the character of a people is moulded by the traditions and habits of generations. The elements of the population of East London are probably no better than of that of Paris. But the strength, the stability, and the liberality of government in Great Britain have averted civil war for a hundred and fifty years. The populace of London are not trained to arms, and have no idea

¹ Delpit, "The 18th of March," Part I., p. 337.

² Note how familiar this complaint sounds as the cause of bad politics in this country.

³ *Ibid.*, p. 357.

⁴ *Ibid.*, Part II., p. 246.

of resorting to them, but are kept in order by a simple police, firm, yet considerate and sympathetic. A free press trained to decency, a widespread public opinion, keep all classes acquainted with each other. Great reforms have been accomplished by peaceful agitation and mutual concessions, and there are no threatening signs of internal change. In France, a hundred years ago, the middle class threw off with a violent explosion the selfish rule of priests and nobles, yet none of these classes had in 1870 assimilated itself to the others or to the people. Distrust and violent hostility still held sway. The nation had no conception of any redress of grievances excepting by force of arms, and each generation followed the example and the traditions of its fathers. All other governments have failed. What will popular government do? That would be the interesting question of the next century for France were it not, alas! complicated by the external conditions which have added so much to the miseries of the past centuries.

On the 18th of January, while the siege of Paris was drawing to a close, there was presented in the palace of Versailles a scene which formed a strange commentary on the course of events. The "blood-and-iron" system of uniting Germany had reached its goal. In the palace of Louis XIV., in the ballroom where Queen Victoria of England feasted with Napoleon III., emperor of the French, William, king of Prussia, was to be crowned Emperor of Germany. The place was worthy of the event. It was expressly devoted to the glorification of Louis XIV., the man who brought France nearer to ruin than any one previous to the Bonapartes. The blaze of gilding, mirrors, allegorical pictures, and glass panels now framed in the black-robed priests and the steel-bearing soldiers of Germany. The king, dressed in the full uniform of a German general, takes his place by the clergy in front of the tem-

porary altar. On the right of the king was the crown prince in the uniform of a field marshal, and then to the right and left were the leaders of the hosts which had made that king emperor, while at the left of the semi-circle of which the king was the centre, and separated by more than a yard from any one else, stood Count Bismarck. And psalms were sung and prayers were said and court preacher Rogge preached a sermon of which the burden was,—

“God hath done wonders in this land, and we have done them for Him.” And then amid such waving of swords and helmets and hurrahs as fitly greet great conquerors, William was hailed Emperor of Germany, and with tearful eyes received the congratulations of princes, dukes, and lords of his empire.¹

Is it not a scene of a thousand years ago, with Charlemagne and his paladins standing by a conquered city and declaring that there is no law but force? A scene repeated, not by a Corsican adventurer of genius trampling upon anything and everything which opposed his will, nor in principle by a mob of poor, ignorant, and suffering men in an outbreak of passion, but by the so-called legitimate rulers of a civilized nation. What word was there on behalf of the welfare of nations or the progress of humanity, of European public opinion or of international arbitration? They proposed to appropriate territory acquired by the might of the sword, their avowed intention being to fortify and strengthen themselves against a certain reaction of hatred and revenge. Comparing the results of two systems of government, as they stand before us, one is at least justified in not throwing the whole condemnation on the popular side.

¹ W. H. Russell, “My Diary in the Last Great War.”

CHAPTER XIV

FRANCE—THE THIRD REPUBLIC

IN a study of the future prospects of popular government there cannot possibly be a more interesting element than that of the Third Republic of France. It turns, as the whole history of the country has done since 1789, and as that of the United States has done during the same period, upon the relations of the executive and the legislature. No doubt France is under a highly centralized government, all administration radiating from Paris, and with almost no local political life; while the especial characteristic of the United States consists in the limited functions of the federal government and the intense activity of the numerous local organizations. The difference is not less great in the character of the two peoples, the lower education and the degree of ignorance in that of France, their lack of initiative, their submissiveness to authority and desire to be governed, their subjection to the discipline of the Roman Catholic Church varied only by violent revolt; as compared with the higher intelligence, the individuality and self-reliance, and the mental independence of the people of the United States.¹ But

¹ We must again point out, however, that these differences are less the result of racial qualities than of historical conditions. "Europe has been in continued war for three hundred years. There is no people in this state of things which has not need of dictatorship and therefore of destroying those smaller powers and local liberties, so dear to Tocqueville, which from within are liberties and from without are weaknesses. . . . In a Europe at war there can be only despotisms, pure and simple, or centralized and authoritative democracies, and if one resembles the other the conditions show that nothing is more natural. And is it not evident that the Euro-

throughout these differences there stands out the same problem of creating an executive strong enough to govern, but restrained by responsibility constantly enforced through the legislature.

What popular government, such as it was, had already accomplished in this century in France, apparently abandoned to a blind conflict of force, was shown in the negotiations for peace. When at one in the morning of January 29, 1871, Jules Favre brought back from Versailles to his colleagues in Paris the final agreement for an armistice, the first thing to be done was, in concert with the railway directors, to provide for feeding Paris. But the Council would not separate before completing the arrangements for summoning an Assembly. Both time and authority were wanting for preparing an electoral law. That of March 15, 1849, was substantially adopted, the last electoral law of the Republic and which may be thus summed up: Vote upon general ticket by cantons, the electors being twenty-one, the elected twenty-five, years of age, including all Frenchmen not under sentence of the law.

The elections were fixed for the 8th of February and the meeting of the Assembly at Bordeaux for the 12th, justifying Prince Bismarck's exclamation when Favre announced the decision to him that it was impossible. More than a third of the departments were occupied by the enemy and administered by German prefects. The conduct of the elections had to be intrusted to the local

pean nation — dear to Tocqueville — which has remained most decentralized and most aristocratic, and which can even permit itself a half and very honorable attempt at liberal federation, is the nation which, at anchor in the middle of the seas, has less to fear than any other from the perpetual war which weighs either as a threat or in reality on all Europe? — ÉMILE FAGUET, "Essay on De Tocqueville," *Revue des Deux Mondes*, February 1, 1894.

The most interesting question of the future is whether the development of local institutions and of popular government will do anything to modify this state of war.

officials under the favor of the conqueror. The other departments were in relations only with Gambetta, who was bitterly opposed to the peace and still more to the candidacy of the Bonapartists. The railroads were in a deplorable condition, the tracks torn up, the road-beds encumbered, the bridges broken, the material scattered and dispersed. Six long months of war had disorganized the municipal administrations; the voting lists had not been corrected, in many cases they had been lost; the employees were not at their posts. There had to be done in a week under such conditions that which in ordinary times takes several months. The elections having taken place it was necessary within four days to count the votes, proclaim the results, and forward the certificates to Bordeaux. The new deputies, to arrive in time, had to start almost within an hour of their election, especially as many of them finding no direct route would be obliged to make long detours; others would learn in the prisons of Germany at the same time of their candidature and their election. And as if to render the complication wholly inextricable a conflict arose between the government in Paris and the delegation at Bordeaux on the question of excluding from the Assembly at Bordeaux the partisans of the Empire. The tact and skill with which that conflict was averted and all Frenchmen appealed to on the same footing call for unqualified admiration.

On the 12th of February, at three o'clock in the afternoon, the deputies came together in the green room of the Grand Theatre at Bordeaux, and without any delay for a consideration of circumstances declared the Assembly constituted. The next day began the verification of powers, and when on the 16th the Assembly proceeded to elect the permanent officers there were no less than 533 voters. Neither the Paris government nor the Bordeaux delegates had thought of defining the powers of

the Assembly or of fixing a term of its duration. It was evident that as the outcome of universal suffrage it possessed absolute and sovereign power, and that from the moment of its meeting its authority was sole and supreme in France. The largest fraction consisted of the Right Centre or constitutional monarchists, and it contained the most men of high ability and character. Next came the Republicans, nearly as numerous, then the Legitimists, and lastly the Bonapartists, only thirty-six in number.

If the Right Centre had voted together they would have held the balance of power, and might have repeated the experiment of 1830. In their division lay the safety of the Republic. Among them was a group of one hundred clear-headed men, conservative on the one hand and attached to liberty on the other. The Republic inspired them with distrust, which in some cases at that time reached the height of aversion. But they were persuaded that they would have to choose between the Republic and the Empire. They rejected legitimacy as chimerical and dictatorship as odious; they preferred a liberal monarchy to a moderate republic, but they did not think it would be right to bring about a revolution simply that they might make the presidency of the Republic hereditary. The head of this party and the inspirer of its principles was M. Thiers. His personal history, whether as a statesman or in his motives of action, had not been wholly satisfactory; but his long connection with the government, his attitude of opposition to the Empire from the time of his election for Paris in 1863, his protest against the war, his journeying about Europe in search of aid for his country, had made him the most prominent man in France. He had not only been elected in twenty-six different places but had obtained important minorities in others, and the total number of votes for him exceeded

two millions. To him all eyes were turned, and when at the session of February 16 it was proposed by a committee that he should be appointed chief of the executive power of the French Republic, the result without a ballot was reported as follows by the *Journal Officiel*: "The proposition was put to the vote and adopted almost unanimously." In anticipation of the event and that no time might be lost M. Thiers had set about forming his cabinet, and the Assembly appointed fifteen commissioners to assist in the work of making peace.

On the 1st of March took place the discussion as to ratifying the preliminaries of peace. It was short, occupying but one sitting, but it was very passionate. In spite of the tremendous severity of the terms, of the bitter protest of the followers of Gambetta, of the pathetic and impassioned appeal of the deputies from Alsace and Lorraine, the facts of the situation were inexorable. After an eloquent address from Thiers demanding immediate action, the Assembly voted for peace by 548 against 107. On the 10th of March it held the last of seventeen sessions and adjourned to meet at Versailles on the 27th.

This is not the place to follow the operations by which the indemnity was paid, order and prosperity restored, and the Germans negotiated out of the country two years sooner than was originally contemplated. Frederick the Great of Prussia received that appellation mainly on account of his constancy of purpose, his resource and recovery under disastrous defeat. If the title could be transferred to a nation and diverted from its traditional application to success in war, never did the French people, hardly ever did any people, deserve it better than in those years 1871-73.

And how was the work accomplished? By placing the full powers of government in the hands of the chief

executive head, M. Thiers.¹ In all cases in history where a nation has been lifted out of almost desperate complications, it has been always under the leadership of one man. Take the dawn of modern civilization in Europe under Charlemagne. There is William the Silent in Holland, William Pitt in England, Richelieu and Napoleon in France, Stein and Bismarck in Germany, Cavour in Italy, Washington and Lincoln in the United States. A mountain of opprobrium has been heaped upon the term *plébiscite*. In fact, there have been, in Europe at least, but two instances of what is meant by that word, that is, the election or indorsement of a single man by universal suffrage. And in neither case of the Bonapartes was the evil in the vote itself. It was in the crime and treachery by which these men overthrew the regular government, suppressed all opposition by military force, and then through servile officials stimulated the people to support them by an appeal to fear and the experience of civil war. In fact, the training which these votes gave to the people in the exercise of universal suffrage furnished in its effect upon the history of the country almost

¹ This ancient minister of Louis Philippe, who had grown old in the details of politics, who in 1849, guiding the conservative forces to the assault of the Republic, in trying to bring back the king by force of intrigue had brought back the Empire, — this little *bourgeois*, vain and vulgar, who had never commanded respect, suddenly found in the immensity of the danger and the sincerity of his patriotism the energy of civic heroism and the clairvoyance of genius. At an age when men think only of their final repose he was hoisted into power in the collapse of France, with Paris in the hands of insurrection, the Germans encamped in a third of the country, five milliards to pay, the army and the finances to be renewed, furious parties to be held in leash, the preparation for the morrow to be made in the whirlwind of the present, and all this in the face of a hostile Chamber which harasses him every day, dragged to the tribune as one suspected or accused because he is more faithful to the country than to the three pretenders who are quarrelling for the prize. M. Thiers was equal to all these tasks, and raised with his old man's hands a social fabric which was falling to pieces. — JAMES DARMESTETER, "Internal War and Peace, 1871-93." *Revue de Paris*, February 15, 1894.

an offset to the evils which they caused. The election of Thiers, almost equivalent to a *plébiscite*, showed what immense progress had been made. Instead of a soldier, basing his rule upon military force and leaving to the people the only choice between such rule and civil war, here was a simple citizen relying for his power only upon his eloquence and the conviction of his sincerity and his patriotism, confessing from the outset that he held power only by the will of the Assembly and was ready to relinquish it at any moment at their bidding.

Suppose that, in the place of this man, the work had been intrusted to a committee of the Assembly selected by the jealous manœuvring of the different parties and factions, and animated less by a single desire for the welfare of France than for the advantage and credit of the particular group which each represented. What, in the face of Bismarck and Von Moltke, and when the popular masses in the great cities were hesitating between the Commune of Paris and the Assembly at Versailles, would have been the result for France?

Why is it necessary that a nation should wait for the supreme agony of defeat in war before resorting to this simple and effective means of defence? Why should it not in the ordinary complications of politics, in the developments such as in the United States amid outward peace and prosperity are filling men's minds with anxiety for the future, instead of desperate appeals to the masses to exert a blind and impotent energy for themselves, employ a single pilot, in whose ability, integrity, and disinterestedness it has acquired faith from experience, to guide it into safer waters? Certainly, it is not the people who are at fault. They have a fund of enthusiasm always awaiting an appeal on behalf of personal character. It is the few, the politicians, who wish for place and the power and importance it gives without responsibility; who identify

the welfare of the country with their own personal and party advantage; who are jealous of the prominence and the credit of a single man, however indispensable he may be to the welfare of the people; and who regard democracy, instead of an organization of government for the benefit of and in accordance with the wishes of the whole people, as consisting in the abandonment of that government to impersonal committees made up by party intrigue and acting out of sight of, and with very little reference to, the people themselves.

We have now to trace the jealous encroachment of the Assembly upon the power which they had themselves granted, and the process by which, while the country was steadily gaining in political sense and self-control, the anarchy and the factions in the legislature have come to make government almost impossible.

When the Assembly first met there was a kind of general agreement, which came to be known as the "Pact of Bordeaux," that all questions as to the future constitution of government should be postponed till the final conclusion of peace, and it was this which secured the cordial concession of power to Thiers. He was chosen as the executive head of the French Republic with the understanding that the term was provisional and non-committal as to the future. But, while he was accepted as the one man demanded by the situation, all parties regarded him with more or less of distrust. The Left knew that he had been a faithful adherent of the monarchy, and the groups of the Right were as suspicious of him as of each other. The majority of the Assembly was undoubtedly monarchist, but divided into Legitimists, Orleanists, and Bonapartists. As M. Thiers said, there was but one throne, and three persons wanted to sit on it. He himself undertook the government with a fixed resolution, from which he never wavered, "not to be a party man, to think only

of France," and, as he himself put it, "of the health of France." It was plain enough that if he succeeded in reconstituting the army, the administration, and the finances under a republican government, these great results would confirm and consolidate the Republic. He did not work with a view to this result, and he said so; but this result did not alarm him, and so he said also.¹

The hostility of the majority, under these circumstances, showed itself in the form which it always takes, a conflict between legislative and executive power. The Assembly regarded itself as not simply clothed with legislative but also with constituent power, and, without proclaiming or confessing this to itself, it desired to exercise also executive power. But against this Thiers was resolute. He would say, "I am but your delegate, I govern by your authority and under your eyes;" but his determination was to govern alone till he should be dismissed. The Chamber, on the contrary, desired a share in everything; every day questions were asked in the House, now about the negotiations, now about the war, and it complained if disclosures were withheld which would have laid all the national secrets open to the whole world. Committees were appointed to assist the government, or, in other words, to observe it and to act in the place of it had they been able. Thiers, in the very midst of his military operations, or of his struggles with the generals of the army, was summoned to give information. The Right permitted themselves to be influenced by a desire to get authority into their own hands, to interfere in administrative details, and to diminish day by day the freedom of action and the power of the President which they ultimately proposed to overthrow.²

¹ Jules Simon, "The Government of M. Thiers," Vol. II., Chap. IX., pp. 308, 231, from which account the first part of this chapter is mainly taken.

² *Ibid.*, p. 244.

The Assembly demanded each day that an account should be rendered at the tribune of all that took place in Paris or in the army; it wished to be informed beforehand of all that the government intended to do. Not being able to compel Thiers to expose publicly his plans and certain details of the situation, it appointed a committee of fifteen of its members to confer with the government. Several members of the committee persuaded themselves that they were introduced into the Cabinet by the Chamber. The committee was not content with knowing, it wanted to control. It obliged Thiers to hold continual conferences. 'We ought to meet every day. If you cannot come to the committee, the committee will come to the Hôtel de la Préfecture.'¹

One point of discussion bears a singular resemblance to the action of the first Congress of the United States in refusing to allow Alexander Hamilton to make an oral exposition of the condition of the finances, and thus establishing the exclusion of the executive branch from any share in the debates upon legislation, which exists to this day. It was at the end of August, 1871.

There still remained a question which Thiers had much at heart, and with regard to which he was indeed intractable. Could he interfere as in time past in parliamentary debates? The committee proposed to forbid his entrance into Parliament. "But we would ask," said M. Vitet in his report, "if through respect for principles we were to go so far as to propose to France that she shall decree that henceforth her incomparable orator shall be heard no more and shall speak only by message, whether France would not be tempted to laugh in our faces, and I will not say what she would think of us!" M. de Lavergne proposed that at least the President of the Republic should inform the President of the Assembly of his intention to take part in the debate. The question was not settled till the following December, and then by this compromise: that M. Thiers should henceforth consent to speak only after certain formalities. He was to give notice of his intention the day before; if he should happen to want to speak

¹ Jules Simon, *op. cit.*, p. 248.

on the same day a vote would be necessary to empower him to do so. On the day fixed he was to come to the Chamber,—for he was not to have admission on ordinary occasions,—and then make his speech and withdraw. The Chamber would also adjourn. He was not to be answered till the next day. Thus he might address them, but he could not debate. In exchange they conferred on him two important rights: that of retarding for a few days the promulgation of laws, and of demanding, that is to say of exacting, by a message a fresh deliberation;¹ in other words, a limited veto.

It is to be observed that all this difficulty came from the conservative Right. The Left, as they saw Thiers inclining more and more to the Republic, rallied to his support.

A speaker belonging to the Right was much astonished to see the Left bent on strengthening the government. The Left replied, and with reason, that those who are most liberal desire a strong government. The important thing is rightly to define the limits of authority and of liberty. The province of the State ought to be restricted within what is necessary, but while remaining within these just limits authority must be very strong; it must be so even for the sake of liberty.²

The final blow came on the 24th of May, 1873. It seemed as if a government which, after two years of negotiation, had arranged for the final payment of the heavy indemnity and the final evacuation of France by the enemy, might have been allowed the three months more of existence which were wanting to witness this termination. But the Right could restrain itself no longer. A resolution expressing regret that recent ministerial changes “do not furnish the security which conservative interests have a right to expect” was carried by 360 votes to 344. At eight o'clock of the same evening the resignation of Thiers was received, and at ten o'clock Marshal MacMahon was elected President in his stead. Of 721 members present only 391 votes were cast, of which the marshal had 390.

¹ *Ibid.*, p. 270.

² *Ibid.*, p. 323.

On the same evening, also, an address was written on the benches of the Assembly and signed by 126 deputies of the Left, among whom were Peyrat, Gambetta, Louis Blanc, Edgar Quinet, and Pelletan. It ran thus :—

CITIZENS: In the position in which France is placed by the present political crisis, it is of the utmost importance that order should not be disturbed.

We entreat you to avoid everything that could have a tendency to increase the public excitement.

Never was the calmness of strength more necessary. Remain quiet. The safety of France and the Republic is at stake.

The newspapers of the party, both in Paris and the provinces, published this proclamation and gave it their adhesion. A unanimous resolution to win by calmness, patience, order, and discipline had hold of all minds. To this quiet and discipline are owing all the votes gained in Parliament for the Republic as well as the striking electoral successes of the last few years. The Republican party, to the great surprise and deep regret of its enemies, has at last learned the way to conquer; and it employs it.¹

For four months in the summer of 1873 the Assembly was not in session, but on November 19, by a vote of 378 to 310, it made MacMahon President for seven years, with full authority over the civil service (with all which that means in France) and the army, with no provision for impeachment and nothing to prevent his declaring France in a state of siege, but without a veto. All the conditions were favorable to a military dictatorship. It was said at the time that the Royalists fully expected the marshal to play the part of General Monk in the restoration of Charles II. Whether he would have done so may be doubted, but the scheme was defeated by the refusal of the Count de Chambord to accept the crown upon any but the impossible terms of the old *régime*; and next by the disagreements of the Orleanists and the Bonapartists. No little credit is, however, due to the Republicans, in that they

¹ Jules Simon, *op. cit.*, p. 418.

avoided precipitating the evil by forcible resistance to the dangerous situation. The incidental elections in September, 1873, which gave marked Republican results even in the most conservative parts of the country, showed which way the feeling was tending.

It had become evident that some steps would have to be taken as to a definite form of government in the future, and much as the majority of the Assembly disliked the establishment of a republic it felt that its own life must come to an end, and it disliked still more to leave the decision to a future body, which was almost sure to be of opposite views. After eighteen months of hesitation it passed the constitutional laws of February to November, 1875. These did not form, it must be observed, a constitution with a declaration or a basis of principles. They merely made provision for the organization of the public powers, and having done so much the Assembly which had existed more than four years dissolved itself and left the country to the uncertainties of a general election.

The elections, which took place in the beginning of 1876, gave to the Liberals a majority of 50 in the Senate and 330 members out of 530 in the Chamber. M. Buffet, the conservative Minister of the Interior, had exerted all the powers of his office but the people had voted him down distinctly. The year was spent in manœuvring for position. Towards the close of it a London journal remarked:

It is curious and interesting to note by what a gradual process the French have been educated to reach that most important point of true political freedom, in which the violent and naked strife of one hostile principle against another is exchanged for a discussion of practical ends which can be more or less pursued in common by men who hold different principles.¹

The lapse of twenty years has only added increased force to these words.

¹ *Spectator*, November 25, 1876.

President MacMahon had so far yielded to the Liberal majority as to select first M. Dufaure and then M. Jules Simon as his chief minister, but he chafed under such restraint. In the spring of 1877 he called M. Simon to account for some details of administration and on the 16th of May the latter sent in his resignation. Gambetta had prepared a resolution "that the confidence of the majority can only be accorded to a cabinet free in its action and resolved to govern according to republican principles, which alone can guarantee order and prosperity at home and peace abroad." The Chamber accepted this by a vote of 363 to 154.

It was after he had heard of this vote that the President in open defiance of it appointed a ministry in which M. de Broglie was Premier and Minister of Justice, and M. de Fourtoul, whose very name signified interference with the elections, was Minister of the Interior; that is, an avowed ministry of combat, a ministry as hostile to a republic even of the iron-clad kind as to responsible government of any sort.¹

The Chamber becoming very restless under this the President sent a message of dissolution, which, under the requirement of the constitution, was approved by the Senate, 150 to 130. While general anxiety weighed upon the country the elections took place on October 14, and gave by the first returns 325 Republicans to 208 Conservatives. During the year 1878 the President carried on the government with a ministry of affairs selected wholly outside of the Assembly. But that body became impatient, demanded the dismissal from the army of certain obnoxious generals, and threatened to impeach the De Broglie ministry. The marshal met this pressure by resignation, which he sent in on the 30th of January, 1879; and by the action of the two houses in convention was immediately replaced by M. Grévy with 563 votes against 99 for General

¹ *Spectator*, May 19, 1877.

Chanzy. Honor and patriotism had triumphed with the old marshal over class prejudices, and nothing in his long public career became him like its close. After calling upon his successor he withdrew to pass the remaining fourteen years of his life in dignified retirement in the country, leaving behind him a very precious example and precedent for France.

With Grévy as President and Gambetta two years later becoming prime minister the Republic had fully triumphed. The use which it has made of its success now demands attention. We will leave the story to a writer who grasps the situation without drawing from it the conclusions which we are seeking to enforce.¹

The bad policy of the Monarchists had diminished the popularity which they had earned during the war, the good policy of the Republicans effaced little by little the memories of violence and incapacity which weighed upon the national defence.

With the partial elections of 1871 began a movement in the country which was no longer to be checked. It became so strong that after four years of contest and before its dissolution the National Assembly consecrated by a constitution the legitimacy of the Republic. In 1876 universal suffrage confirmed this vote by peopling the new Chamber with Republican deputies. There still remained a monarchical president and assembly, but when on the 16th of May a *coup de tête* which resulted in a *coup d'état* put the new system in question the will of the country turned into a violent passion, reestablished the 363 in their seats, revised in 1879 the majority of the Senate, and some days later carried away Marshal MacMahon (p. 4).

Six more years have passed away. Far from peace being made among the political factions, there are everywhere threats, rage, and hatred. If concord and faith still survive it is among the adversaries of the Republic; the longer it lasts the more numerous they become; the more it acts the more confident they become. The friends of the system now rely only upon the impotence of its enemies to destroy it, while its enemies count upon the impotence of its partisans to keep it alive, and among these partisans more than one fears that the enemy speaks the truth. The horn of disenchantment has sounded which is followed so quickly by that of despair; sad hour in which the most faithful speak by their anxiety, the most well-wishing by their silence,

¹ Étienne Lamy, "La République en 1883."

and in which the most sagacious begin to separate their private careers from that of the public and quietly prepare themselves for the changes which they foresee. In the whole country we seek vainly for the ardent sympathy which carried the Republic into power. Of the vanished attachment there does not remain even an irritation in which it might still live. There is something more inexorable than wrath and that is indifference. That of the country does not see anything worthy of shaking itself off.

More than twice six years have elapsed since this was written and the Republic stands more firmly than it did then. Through all the crises, the resignation of President Grévy, the episode of General Boulanger, the assassination of President Carnot, the Panama scandal, all the strikes and Socialist agitation, the country has remained calm and unmoved. Paris seems to have lost its revolutionary power. The elections of September, 1893, gave 311 Moderate Republicans, 122 Radicals, 49 Socialists, 35 *Ralliés*, or Conservatives who had decided to accept the Republic, and 58 Reactionaries; while in the senatorial elections of January, 1894, a few Monarchists were returned amid a general defeat of the Anti-Constitutionalists. French writers seem to agree that the country wants peaceful and economical government and looks hopefully to the Republic to accomplish these results. We return to 1883.

There had been a party capable of feigning wisdom to arrive at power. When it gets there it is at an end of its virtue. Mildness and moderation have passed, and hatred and avidity, sharpened by long fasting, are satisfied by a formula held in abeyance, but proclaimed with the assumption of power. Everything in France belongs to the State, and the State to the Republic, by which is meant the Republicans. For them only all the offices, all influence. For them the exclusive occupation, not only of political posts, which every victor can legitimately claim, but situations from which politics must be excluded under penalty of corrupting them. To administer the finances it is no longer sufficient to be skilful and honest, for rendering justice to know and love the law, for commanding troops to have the reputation of a brave chief, and the confidence of the soldiers; one must be besides, one must be above all, a Republican. The

Republic is a battle-field where the conquerors murder the wounded and despoil the dead.

In a country where the prerogatives of the State are increased beyond measure, as soon as its impartiality fails to be complete, the existence of all is troubled; when the holders of power exercise their innumerable functions in a spirit of party, there are no longer citizens, but favorites and victims of public power. A former minister lately showed that this inequality appears even in taxation. While pointing out an abnormal diminution of indirect revenue he revealed the cause of it, the difficulty for the agents of the treasury in acting against whoever belongs to the dominant party, and, when they prosecute fraud, in the complicity of political influence which assures the pardon of the guilty. Certain men were living in retirement, study, and prayer. The government proves no crime against them, does not even accuse them, it drives them out. Others, banded against their own country after having spread fire and sword through Paris, convicted of all sorts of crime, had been exiled from their country by the laws; the government recalls them, and not merely admits them to liberty and France, but restores them to citizenship, to voting in Paris equally with those who saved it from their hands.

When a number of men with differing ideas undertake to govern together, one condition is necessary. Everything must be excluded from the programme which is not accepted by all, and in the subjects brought forward by common agreement, innovation must be stopped at the point at which the will stops of those who want the least change. The supporters of M. Thiers during seven years were of nervous temperaments, but he made them all accept that policy which by the moderation of its demands and the patience of its hopes conquered France itself. But with M. Thiers disappeared the only statesman who held vigor at the service of moderation, and he being dead his party seemed nothing more than a group of the faithful assembled to mourn for their lost chief and courage. All the authority was assumed by Gambetta. Now the policy of Gambetta was never to take sides among Republicans. He did not prepare to lean towards one group or another because he wished to govern them all. Then appeared a new solution of the difficulty.¹ Why should the Republicans be divided? That each might win success for his views. But the only views which deserve success are the views which the country professes. The real duty of public men is to put into practice the manifest wishes of the people. This duty is fitted to unite them, and they honor themselves in sacrificing their particular preferences to this common master, to serve him as he wishes. Certainly it was a sophism; as to the wishes of the country politicians may differ as

¹ Known by the name of "opportunism."

much as with regard to their own, but the sophism borrowed from its author a specious authority.

The union which he asked for became the desire of all. It failed only in one particular but which was sufficient to show the weakness of the whole scheme. He wanted to break up the old groups and to unite the Republicans in a single one, and nothing could be more logical. But the will of men is more easily subdued than their instincts, and the firmest resolves of harmony had left all the antipathies in full force. From those who ranked in the Left Centre to those who bordered on the Commune, all repelled as an insult being confounded with the others. Resolved not to separate themselves in voting they did not carry their courage so far as to deliberate together. This sentiment remains invincible, and it is the constantly multiplying groups which protest against division among Republicans.

Now this compact presented and accepted as an expedient was in reality a revolution in the hierarchy, in the very idea of political power. Under all systems and in all ages, a small number of men are fitted to govern. Politics is the art of discovering them and putting authority into their hands. Aristocracies think they can best prepare statesmen by reserving public affairs for certain castes: in monarchies the choice of the prince is held to be the safest, in democracies the judgment of the people to be most infallible; but never except in the two extreme schools in which superstition destroys the intelligence, whether of a republic or a monarchy, has it been pretended that political genius was embodied either in the king or the people. Public opinion is no more suited to create a policy than a masterpiece of the pen or the pencil. All that can be expected of it is the capacity for judging that which it would be unable to produce. As it did not need the genius of Raphael to admire Raphael, or of Shakespeare to admire Shakespeare, so it did not need the genius of Richelieu or Bonaparte to recognize that that which is beautiful, just, or wise satisfies the instinctive taste of public opinion for the truth. In democracies the people is too vast and too far off to have a personal knowledge of individuals, their origin and their qualities; between the two there is but one point of connection, the spoken word.

Public debates are the arena in which ideas are tested and the democracy judges because it is informed. To dissipate in men's minds the charm in which they are at first plunged by a voice which seems an echo of their desires; to make them appreciate the difference between that which seduces and that which persuades, the renewed and constant trials are not at all too much of debates which crush the most solid lies under the slow grinding of good sense. Then the splendor of triumphant truth designates for power those who have known how to defend it and have ended by imposing it. Then these legitimate possessors receive for recompense the mission of realizing

in the name of their country the policy which they have made it understand. The trust implies the means of action. Authors of a policy, they are the most capable of knowing what is needed for the execution of their projects, and what instruments are fitted to serve them. The hope of success demands for them the free disposition of men and things. The limits which they have traced for themselves by their engagements, those which surround them in the watchfulness of the legislature, the possibility always open of taking from them everything with power, deprive their prerogative in advance of its greatest dangers. Moreover the inevitable abuses in the services which dispose of the budgets and the offices are less to be feared when a single responsible chief has the disposition of favors; he is himself constrained by his interest to lose nothing of the forces at his disposal.

It is this order created by the loyal struggle of doctrines which the Republican party has destroyed. The concord of those who do not think alike lives by their silence. As soon as the bargain was made, speech became an enemy. For the first time the ministers were without a programme and the deputies without debate. The tribune appeared to be only a dangerous temptation, and the greatest orators employed their eloquence only to persuade each other, in undertones, to keep silent.

For every elected body there is a law of life, to be in accord with public opinion. And to do this there are only two ways,—to direct opinion or to obey it. By strangling their discords in silence the Republicans deprived themselves of all chance of forming in time a public intelligence upon the ruins of utopias and follies, and by the conquest of truth incessantly renewed. They cut off from men of sense, of genius, if there were such, the means of revealing themselves; they deprived the country in advance of those just, profound, and well-ordered ideas, which coming from the reason of one and accepted by the reason of all insure the dignity of the government and prepare its success. They condemned themselves to follow, in place of these lights, the troubled and fugitive glimmer of a public opinion, itself without a guide, of the ignorance and passion of which they did not think of disputing the dictates. This policy took the direction of affairs from those who are fit for conducting it and handed it over to those who are incapable of doing so. Now the Republican party, kept outside of the Republic from 1871 to 1876, and twice threatened by the offensive attacks of the Monarchists with the destruction of the Republic itself, had remained an army in order of battle. For regulating the strategy of an opposition which wished to overturn those in power and might be led by the excess of that power to revolt, there were needed men resolved to brave the hostility of government, the rigor of magistrates, and even the redoubtable chances of a violent resistance. In every department, in every canton, in every commune.

the most energetic became the interpreters of their fellow-citizens to the leaders and exercised a double influence which they owed to their initiative, for in time of danger authority is born of courage.

The gravity of the circumstances had seemed at certain times to demand even more, a solid force capable of bringing to bear at all times an impulse regulated by discipline, and perhaps to gather suddenly material resistance at a given point against unexpected attack. To struggle against the government the Opposition needed officers and troops. It found them. The working societies had placed at its service in the large cities their masses always discontented and easily moved to action; in the whole country two great societies, the educational league and freemasonry, had lent their burning activity and their secret force. A certain number of vigorous men and powerful associations had formed in all this period the government of opinion. It was they who gave the legislators their seats. It was they who were going to dictate their policy.

Ardor of temperament is not always joined to moderation of ideas. The volunteers who had thrown themselves into the struggle had been nearly all recruited among men extreme in opinion and in passion, and inclined to confound the one with the other. Many who were thought only enemies of royalty were in fact those of society itself. They announced that taste for immediate destruction and distant reform which is characteristic of demagoguery; most of them, moreover, having no business experience and therefore given to radical solutions, for the audacity of negation is always seductive to ignorance. In this social order which was under their ban their hatred pointed out the nearest victims. It was they who in the struggle had received the blows: whoever struck them, prefects, functionaries, judges, was to be struck in turn. These were the wishes which were heard in France and these were enforced upon the Assembly, the amnesty, the removal of officials, the war against the magistracy and finally against the Church and the religious societies.

Not all those who had adhered to the Republican union foresaw this policy. But when the Moderates did perceive it, they were already involved. The electoral influences which their silence had rendered omnipotent would not have tolerated their independence; they had to move on. The voice of the extreme party seemed to them the voice of France; they were ashamed of their wisdom, and there were to be seen as accomplices of all faults men whose consciences and whose very names protested against their cowardice. Only the representatives of demagogic opinions were accomplices without being dupes. They alone ran no risk of being carried too far. They alone did not need debate which was their danger; they alone could direct without noise a public opinion made by their committees

and associations. Gambetta himself, apparently sovereign, was reduced to serve this power, since he had need of remaining popular; in his turn he was obliged to submit or to resign.¹

But the facility which the inspirers of this policy found in accomplishing this evil did not delude them into supposing that the country wished it. It was for themselves they carried on persecutions as well as reprisals; and they did homage to France in seeking to retain by other benefits a people whom injustice was not sufficient to win. The people, like individuals, is made up of mind and matter, and as it lives by ideas it lives also by interests. The less a government represents the one, the more it has to serve the others. It was resolved to conquer France by material advantage. It is not an easy task to develop wealth and improve the conditions of existence. Too many subjects merit consideration and to really serve the people a selection must be made. But to select would be to create discontent. The object was to satisfy everybody.

Now how many in a nation know what is advantageous to all and ignore that which they think is advantageous to themselves? The less the citizens are versed in public affairs the less they are able to understand that the satisfaction of each is the ruin of all; the more obscure the intelligence the greater the appetite. To satisfy a people without enlightening it one must promise it, promise it again, and promise it always. The grand scheme was the railroads. It seemed to be inspired by the general interest. It was the triumph of private interests. It was not a question of tracing necessary lines, of calculating their production, of completing a network in its weak points, of frustrating by short cuts the diversions of traffic attempted to the detriment of France by foreign companies. The question was to distribute the iron way through all the *arrondissements* and through all the cantons. The map was drawn up by the councils general and the deputies. The expense estimated at first at four milliards reached nine, and the whole was voted in a few days by assemblies in which each one gave without reckoning in order to receive in the same way. The regions already so well provided that even the eye of a legislator could not discover a place for a new road would protest against injustice. It is met by improving their canals, by according, without distinction to the coast, cities, quays, docks, the hope of becoming great ports. That does not exclude the spreading at the same time of barracks and schools over the whole territory. There is enough money for all and to apply everywhere.

Thus far satisfaction had been given by collective benefits only to the departments and the communes, abstract entities and little capable

¹ Referring to his famous apothegm relating to Marshal MacMahon, "Il faut se soumettre ou se démettre."

of gratitude. What was wanted was to reach individuals. The Republic must manifest itself to each of its partisans by some personal favor. The first and easiest is to avert from them the rigor of administration or of the laws. That is why, from the members of the Commune to the smallest delinquent, friends are not prosecuted, or if prosecuted, the penalty is light, and even if light is not enforced. But the second, the real favor, is to give to friends a claim on the treasury. That is the reason why the question of persons in public office acquires a sudden importance; why, the vacancies not being equal to the wants, officials are constantly removed; why, the places being still inadequate, new ones are every day added to the old.

Who disposes of salaries and favors? The administration. It is this, then, which the candidates bind by their promises, and to keep them they must rule the administration. No sooner do they become deputies, indeed, than their first care is to absorb all the power in the district for which they are elected. Not only the prefects and the political agents but the officials of all classes no longer belong to the State. The State appoints them, but the deputy names them. To arm the deputy against the rivalries which menace him it is necessary that the officials, whose fortunes are bound up with his, should reserve all places and advantages for the *protégés* of their protector. But these agents can do little; their part is limited to preparing the solution of important affairs. These are decided in the ministries. It is then the ministries to whom the deputies are indebted for being loved or feared but obeyed.

What new cares are thus brought into the life of a public man! Every morning solicitations awaken him, letters and interviews attack him with every form of demand. By the importance of the petitioner is instantly measured the legitimacy of each claim and the urgency of satisfying it. But that is not saying that those of less importance are allowed to be forgotten; he who depends upon everybody must not offend anybody, and it must be remembered that the small ones are also the most numerous. This debt which every day adds to the days past becomes the claim of the deputy upon the State; to enforce it, as soon as the doors of the public administrations are opened, he penetrates, and often has to go through them all. Everywhere he must contrive means of information, find out who is accessible, by what means, at what hours, adapt himself to those of whom he has need, and above all, take care that they have need of him. The impossibilities which are set up against him are, in his eyes, only refusals; refusals are only postponements, postponements only hopes; when he insists he is defending his own interest; when the administration resists, it is defending only the interest of the public; he feels his superiority.

The deputy who hopes to be equal to such a work must show him-

self more devoted to the work of the ministries than to that of the Chamber. The sessions are the only moments left to the employees for their work or to the deputy for his repose. It is rare that some conflict of ambition, more rare that some orator capable of giving voice to the dominant passions, gives a passing interest to the debates of the tribune. Only the Opposition brings some interruption to such well-regulated order, and it sometimes happens that it is heard by tolerance and to prove what argument is worth against a majority. But generally it is not necessary to hear that which one is resolved to vote. The hall is deserted for the lobbies, the only refuge where one can rest and hear the news or make it. But even then the yoke is heavy. Officials have to be informed of what is demanded, mayors and citizens of what is done. The deputy must write to maintain zeal, to preach patience, write to show the difficulty of obtaining success only the day before he writes to announce it. And while business piles up and budgets increase the deputy writes even in the hall of sessions, where he can raise in voting a hand armed with his pen, and fulfil a double task which the closure interrupts but does not finish.

And if the deputies direct the administration, what share is left to the ministers? Just that which the deputies have no time to attend to: the general conduct of business at home or abroad. They govern without the Parliament, which is too much occupied to think of interposing an obstacle or hardly even a question. But let them not imagine that they can be masters in their own departments; can be sure of the services of an indispensable assistant if his name sounds badly in the ears of the deputies; can dispense with officials useless or unsafe but strong in respect of political support; can recompense their subordinates by appreciating their merit; can give them instructions for serving solely the welfare of the State. Two ministers have tried it of late years, but with these exceptions all have accepted the situation without a struggle. And those only who did not struggle were right. A cabinet which should assume to take away from the deputies the disposition of places and the distribution of favors would take away their electoral strength. Their fortune which floats upon these favors would be wrecked if the stream ceased to flow. To tolerate the resistance of a cabinet would be to ruin themselves, and they would be compelled for their own lives to sentence it to death. Thanks to these new manners the grand virtue of politics is docility. Universal suffrage is the master; the function of the deputies is to hear what it wants and to execute that without delay, for which purpose they confide the grand affairs of State to men capable of aiding them, and in this hierarchy of submission the ministers are placed at the summit for the purpose of obeying everybody.

Thus is explained the decline of personality in public life. Men of moral value have disappeared first. Some retire in disgust from a

scene in which they could find no place, others broken without yielding, but all condemned for unyielding virtue. Men of intellectual capacity next fall under suspicion. The suppleness of the unscrupulous does not satisfy the faction which directs the politics of to-day; it only feels easy in the presence of stupidity, and at each electoral movement it points out to the people favorites made after its own heart. And this mediocrity in those who govern explains in its turn the miserable quality of legislative work, the poverty of public debate, the demoralization of the public service, the inertia of our external policy, the disorder of our finances, and, in the face of all these evils, our equal incapacity to foresee and to amend.

For if the nations make governments after their image, it is still more true that governments give to the people their virtues in the long run, and their vices with a terrible promptitude. Is it supposed that this people, if it reads impotence or servility on the forehead of its chiefs, will preserve intact its respect for authority? And meanwhile will it remain inaccessible to the errors, to the abasement of those whom it despises? How should the public market of places and favors spread temptations everywhere without giving to a country, so greedy of public office, the mania for living at the expense of the State? How can the caprice of fortunes which nothing justifies and the scandals of those which everything condemns fail to turn aside the modest labor and the conscientious efforts, upon which are raised with such slowness the success of honest people? When the struggles of ambition seem like the fever and the risks of gambling, when intrigue, treachery, backbiting, all the lowest vices lead to the highest office, how can there fail to be shaken, even in the smallest citizens, the independence, the sincerity, the moderation, everything which makes the moral grandeur of a people?

Such is the fecundity of error. All these results are bound up with and flow from one cause, the union of the Republican party.¹

The value of this extract consists in showing the process which is involved in the absorption of government by a legislature, working through a majority held together solely by the cement of party discipline and wholly free from executive guidance and control. Allowing for the difference of times and manners it is precisely the process which took place after the first French Revolution, and we shall find it developed in like manner under different circumstances in the United States. The passage is in-

¹ "La République en 1883."

serted at length also as confirming the proposition which it is the chief object of this work to prove, that the real evil is not in universal suffrage but in the organization of government and that it is to be met by the establishment of a strong and independent executive power, held responsible to public opinion. We have now to examine how the executive power in France, which through so large a part of this century has been nearly or quite an irresponsible despotism, has under the Third Republic been brought so completely under the domination of the legislature.

CHAPTER XV

FRANCE—THE THIRD REPUBLIC (*Continued*)

IN considering the position and working of executive power in government the first element of importance is the mode of its constitution, and this is perhaps the question which in the short experience of popular government has received the least definite and satisfactory solution. Whether the executive branch shall consist of a number of persons, as in the British ministry and the Swiss Federal Council, or of a single president, and if the latter whether he should be elected by the legislature or the people, are problems which are certainly open to discussion. As regards France, the subject is taken up by the Duc de Broglie, in an article in the *Revue des Deux Mondes* for April 15, 1894, upon the constitution of 1875.

I am aware that it is the fashion to say to-day that political institutions are in themselves neither good nor bad and take their value only from the manner in which they are applied. It is certain that no institution has in itself sufficient merit to dispense with wisdom and skill in those who put it in operation, but on the other hand may there not be such as are so badly contrived that no art or prudence can correct their vices?

Elected by the Assembly, said the partisans of universal suffrage in the debates of 1848, the President will be only its servant and its agent. He will be lost in it and depend upon the caprices of its will. The executive power will then be under the yoke of the legislative power, and in this mixture of the two powers all real liberty will disappear. There is no longer liberty or safety, they added, when it is the same power which makes the laws and is intrusted with carrying them out. Instead of making laws with a view to the general advantage, and upon considerations of some permanence, they are made or

revoked with an eye to private gain. They are made when they are convenient and revoked when they are troublesome.

Elected by the people, replied the defenders of the Assembly, the President will hold his power from the same source as the Assembly itself; he will be able to call himself as much as the Assembly the representative of the popular will, with this difference, that while in the Assembly the national representation is scattered and broken up, it will rest concentrated upon the head of the President with all the force of unity. Who will be sufficient to resist this double influence of the material force of power and the moral force of election? Who will be able to resist the representative of several millions of men marching at the head of five hundred thousand soldiers? In the plan of a constitution, still-born, presented by M. Dufaure in the name of M. Thiers just before their common fall, this electoral system is mentioned only with the contemptuous qualification, "This mode already tried has not left a memory which recommends it."

But even the most painful memories are quickly effaced in France, especially when a past evil, which seems only a dream, is replaced by a present evil which seems worse. The extreme weakness of executive power of which we are to-day witnesses and of which I shall have presently to explain the causes, the spectacle of a parliament of which the encroachments absorb, confiscate, and annul every other authority except its own, have already given birth anew in more than one mind to regret at no longer seeing at the head of the State, instead of an impotent shadow, a chief whose arm would be furnished with real authority by a brilliant testimony of the national confidence. The election of a president by universal suffrage is a theme taken up again in the press by many distinguished minds, and if their isolated voices do not yet find an echo it would need only an incident easy to foresee, a too marked collapse of the existing system, to bring it back to unexpected honor.

Speaking of the affair of General Boulanger, M. de Broglie says: —

A recent experiment has shown us only too clearly what an attraction, as imperious as unreflecting, often leads France to embody the idea of authority in a man whose name, taking possession of all imaginations, flies from mouth to mouth and fixes all eyes upon himself.

Is not that the tendency of all peoples, and only stronger in the French because they have been taught so little of self-government? ¹

¹ It was during the weakness of Louis Philippe's government that the outbreak of enthusiasm for the memory of the first Napoleon paved the

In good faith it cannot be denied that the choice of the people is, with regard to the election of the President as of every other public man, essentially the republican and the democratic method. Every republican constitution is placed upon the incline which leads to this. That has been the fate of the Federal Constitution of the United States, though its authors tried to protect themselves from that fate by intrusting the decisive vote to delegates named by special appointment. Everybody knows that to-day this precaution has become in practice illusory, and that each delegate arrives as the bearer of a ballot written in advance, under the direction of universal suffrage. Thus national instinct, republican logic, a grand and specious example, everything might concur from one hour to another to bring us to the test of a plebiscitary election of a president.

After admitting that the events of 1870 have destroyed all chance of a fresh Bonapartist usurpation, M. de Broglie continues: —

But all the dangers of such an election would not consist in the chance of a dictatorship. Even legally and to a certain extent loyally applied to France, it would mean practically a system of permanent official candidacy, ruling from one end of the country to the other, and set at work by the chief of the State himself to insure the renewal of his power, if he were reëligible, or the election of a successor whom, in the interest of his party, he might have selected to replace himself. No more powerful instrument could be imagined to establish the absolute dominion of one fraction of the nation over the other. This is the result which intelligent observers in America have pointed to as in a picture, the fidelity of which is not disputed. But it must be remarked that to exercise this action (which to the Americans themselves, although habituated to it, begins to seem excessive), the President of the United States disposes only of a small number of servants, scattered over a territory two or three times as large as that of Europe; that in this immense space he must encounter the resistance of thirty or forty states, having each an independent organization; that to secure obedience he has under his orders only a small army of thirty thousand men; that he is everywhere watched by a magistracy, which, so far from depending upon him, escapes him in its lower

way for the Second Empire. It is significant that at the present time (1896) there is a fresh revival of ardent interest in all the memoirs and events of the earlier time. A strong civil ruler, holding power for half a generation and leading the Republic to orderly and peaceful success, might divert the influence of the baneful meteor which for a century has been such a curse to France.

ranks by election, and overtops him in the higher by a supreme tribunal to which he is amenable. Then compare the feeble weight of this authority with the colossus of French administration, of which the thousand feet rest and the hundred arms act at once on all the points of the contracted soil which bears its crushing weight.

These are the arguments against a popularly elected president. Those in favor we shall have to consider in treating of the United States. It may be observed, however, that the safeguard is in the presence and public responsibility of his ministers in the face of an independent and vigilant legislature. We will now examine how far these arguments are offset by those against a president elected by an assembly. The Duc de Broglie quite approves of the rejection of the plan of electing a president by universal suffrage. But he finds himself confronted with that other alternative rejected by the Assembly of 1848. How could it be managed that if elected by the Parliament the chief of the State should be anything but its agent and obedient servant? How could there be contrived for him an existence independent of the authority from which he emanated?

Some means of doing this must be found, however, under penalty of arriving by an indirect but not very long road at the annihilation of executive power under parliamentary omnipotence. Now the separation of the two powers is such an elementary principle of modern public law — respect for which is so generally recognized as essential both to public order and individual liberty — that although it has been several times violated during our revolutionary crises, I think no party would propose to establish as normal and regular a system which ignores or only compromises it.

M. de Broglie then shows that the constitution of 1875, unlike that of 1848, is not explained by any light of discussion. With a departure from the usual French practice, there is no enunciation whatever of abstract principle, but only the most naked practical detail.

The discussion of the organic law of 1875 as to the powers of the President was hasty and short, and practically amounted to nothing. The text of this law is that of an amendment, which owed the favor of its original adoption by a very small majority to the circumstance of its having passed almost unperceived. No development was given to it in the subsequent deliberations. It is, then, in the text itself that we must seek for the precautions which, while preserving the election of the President by the chambers, aim to secure his dignity and independence.

I do not think it can be considered such a guarantee to have intrusted the right of election of the President, not to a single chamber but to a congress formed of the two chambers jointly. Certainly there can have been no doubt that this joint power was only apparent. Pure affair of courtesy to the Senate, for the two chambers being wholly unequal in number (nearly two deputies to one senator), the largest body, even if greatly divided, will always find in the minority of the other the means of enforcing the will of its own majority. It is, in fact, the Chamber of Deputies which makes the President, and in any case it will not allow any name to pass which has not its consent and confidence.¹

A second and perhaps better guarantee of independence is given to the President in the right to dissolve the Chamber of Deputies with the consent of the Senate, and thus to terminate by an appeal to the country a disagreement in which he thought law and justice was on his side, and which appeared to him to compromise the public interest.

The system is completed by the article which limits the responsibility of the President to the very rare and almost impossible case of high treason, and leaves to the ministers whom he chooses and names himself the burden of bearing before the chambers the responsibility of general policy.

It is to be observed that these provisions do not include the veto, which is held to be of so much importance in the United States.

M. de Broglie of course wishes to prove that monarchy is the only possible government for France, and that whether the President is elected by the people or the legislature the result must equally come in revolution.

¹ It is curious to note how quickly this reasoning was disproved in the election of President Casimir P  rier, on June 26, 1894, by a majority of the Senate joined to a minority of the Chamber—a proof of the value of organization.

He says that these two rights of dissolution and of personal inviolability of the executive have never existed in any republic in the world,—though as to the last he is certainly mistaken, the President of the United States being liable only for the same high crimes and misdemeanors as that of France,—and argues that the qualities which make these provisions available in a monarchy are wanting in a president. In fact, the only one of real value is the power of dissolution. The English ministry, which has come to hold the real executive power, is elected by the legislature as much as the President of France. The force which has kept the House of Commons in strict discipline for a hundred and fifty years, which has compelled it to work by means of two compact parties, and to leave to the executive the great powers over legislation which have been described, is the power of dissolution lodged with the ministry, and the exercise of which is seldom or never forbidden by the sovereign.

If the Opposition in England undertakes to overthrow a ministry, it must be prepared to furnish another to take its place, under penalty of incurring the expense of a new election with an almost certainty of defeat; and, moreover, the new ministry must be competent to carry on the government, under penalty of burying its party in ridicule and contempt. These results can only be secured by rigid subordination in the ranks of the parties both in and out of power and the concentration of all their efforts in putting forward their best men.

In France the power of dissolution does not rest with the ministry at all, and they are defenceless against the chambers. That power is in the hands of the President, who is much more likely to regard it as an instrument for his own defence than for the protection of the ministry, who are not of his creation. are practically beyond

his control, and in whom he feels but very little interest. This is just the view M. de Broglie takes.

To escape from his difficulties is it supposed that the President would make use of the right of dissolution which is intrusted to him for an extreme case? It would be an act of energy hardly to be expected from a power so little sure of itself. Besides, it is not clear at what moment he could profitably draw from the sheath this weapon too heavy for his arm. Is it in the first part of his presidency and while he still has to deal with a chamber in which the party prevails which has elected him? Yet what would be the object seeing that, as the creation of the Chamber, he is bound to come to an agreement with it? Is it when a new election shall have placed him in the presence of another assembly animated by a different spirit? But of what use is it to appeal to the country when it has just spoken, and why ask it again when it has answered in advance?

But even the President cannot exercise the power without the consent of the Senate. Now the Senate is a part of the legislature, and therefore by its nature hostile to the executive. When it comes to taking sides between the President and the Chamber of Deputies the Senate will always incline towards the latter, and thus the edge is blunted of the only weapon the President possesses; and the groups of the Chamber can unite to pull down a ministry without any responsibility for providing a substitute or any fear of being sent back to the electors.

And yet it seems as if a president resolute to put an end to the prevailing anarchy might make a personal and direct appeal to the country, either by a dissolution or at the period of regular elections, stating clearly the difficulty and asking for support in steadying the executive power. This is the opinion of at least one among the many French writers who are anxiously studying the political situation. After saying that the country is looking with anxiety for the one man who is to lead them out of the present difficulties, he says:—

I see nothing in this to be ashamed of. The shame is in estimating so poorly this land of France as to declare in advance that henceforth

in great national crises she can bring forth only a ruinous dictator, a military adventurer, or an unscrupulous politician. If the exasperation of discontent has come near delivering the country to a Boulanger, have we not seen republics defended by a Cavaignac and a Washington? The President of our Republic (M. Carnot) makes only one mistake, that of ignoring his strength. Having reached his high place without intrigues and without noise, with a reputation modest but pure, he has gradually grown in public opinion from his irreproachable attitude and the happy events which have marked his term of office. Other statesmen may make a larger figure in political circles, but their reputation hardly reaches the dumb masses who have room in their houses for only one portrait, in their memories for only one name. All the machinations which these experts could combine would not prevail in the rural districts against a direct word of the President.

Let us suppose that in the next crisis, when we have descended some steps still lower into anarchy, the President of the Republic, for whom nothing forbids a direct appeal to the people, should at length desire to reassure and to govern the country, that he should make up a cabinet of men of business taken from the Senate or outside, and arm them with a decree of dissolution. I would wager all I have dearest in the world that, after such an act, the country consulted in the name of the President would send up a majority compact and docile in the hands of the chief of the State.¹

Experience showed that M. Carnot was not equal to any such achievement; and it may well be doubted whether any man who is will ever obtain election at the hands of the legislature. Even in the United States, where the chief executive is elected by the people and is wholly independent of the legislature, hardly any president or governor has ever dared to assert himself against it.

We will return once more to the Duc de Broglie.

In conclusion, the result of this inquiry is that the chief of the State is in reality completely annihilated, and that his legal impotence is a fact of which some may complain and to which others may sub-

¹ Count Melchior de Vogüé, "L'Heure Présente," *Revue des Deux Mondes*, December, 1892. The extract is not less interesting that within eighteen months afterwards President Carnot fell under the dagger of an assassin.

mit, but which nobody can deny. Thenceforth, the legislative power existing alone, since the executive no longer amounts to anything, we are coming to the system, pure and simple, of parliamentary omnipotence.

I cannot, therefore, share the surprise of the ingenious publicists who wonder that under such a system the chambers are insubordinate, the ministries fluctuating and unable to gather about them a working majority. And what means could be found for disciplining an assembly when, knowing that it is the sovereign ruler, it sees before it no authority which it is bound to respect? Never, within the memory of man, was a constitutional ministry exposed to such a trial.

Yet even M. de Broglie is staggered by the persistent endurance of the Republic.

Will the Republic find in the counsels of moderation and prudence, which are given to it and which it seems disposed to follow, the strength to stop itself on this decline? I can hardly believe it; but the future alone can tell.

It remains to consider the instruments by which the legislature has reduced the executive to submission. It is the system of working by standing committees, on the same principle as in the United States, though their organization is different.¹

The Constituent Assembly of 1848 was divided into fifteen standing committees like ours, one corresponding to each ministerial department; but they were abolished by the Legislative Assembly on the ground, curiously illustrated by the experience of the United States, that while they were appropriate to a constituent body which exercised sovereign power, yet in one which was purely legislative they were the occasion of incessant encroachment upon and conflict with the executive power. It may be doubted, however, whether the system which is actually in force is any better.

The system of bureaux extends back to the States-Gen-

¹ The account which follows is taken from the valuable work of M. Eugène Pierre — “*Traité de Droit Pratique Electoral et Parlementaire*,” 1893.

eral of the old monarchy. By it the Assembly is divided into a number of equal bodies. In 1789 this was done alphabetically, and also for a short period in 1848. But, with this exception, from the time of the Restoration to this day it has been done by lot. The names were drawn from a box by the president of the Chamber and proclaimed by an officer. But this somewhat tedious process was in 1876 superseded by a mechanical device which performs the operation instantaneously. It seems difficult to understand why it should be thought necessary to repeat the operation every month. But that has been the practice from the beginning of the century, and both houses are divided into these constantly dissolving bodies: 9 in number for the Senate, 3 of 34 members and 6 of 33; and 11 for the 576 deputies, 4 of their bureaux having 53 members and 7 having 52 members.

The bureaux are organized by choosing a president and a secretary. Every measure proposed in the Chamber or in the Senate is sent by the presiding officer to all the bureaux. These bodies then elect usually one but sometimes more members of a commission to consider that special subject. It is evident that these commissions may be numbered by the hundred, that difficult questions may arise upon what commissions and upon how many a member can serve, and that a good deal of competition may be developed in the bureaux as to the places on important commissions. The commissions may discuss and amend any measure at their discretion, or may even substitute for it one wholly different. The commissions may meet where they please, in their own rooms, in the ministerial departments, and even on a bench apart in the assembly hall. Their sessions are secret as regards the public, and though formerly open to all the members of the Assembly are now closed to them. "that the deliberations of the commission, which should be calm and well considered.

may not be needlessly disturbed.”¹ Even the communications between the commissions and the ministers are held only by the president of the commission or some member appointed for the purpose, or, in serious cases, through the medium of the Chamber itself.² The authors of measures, however, and the movers of amendments have a right to be heard by the commission. The commission chooses one of its members to be the reporter of its conclusions to the Assembly, who of course represents the majority, though the minority sometimes appoints a separate reporter of its own. To those who know anything of the work of standing legislative committees in the United States, it is evident what opportunities for intrigue and jobbery are presented by the French system.

The budget commission, which examines both revenue and expenditure, is composed of thirty-three members of the Chamber of Deputies, that is, three members elected by each bureau. As it goes into the smallest details of the budget its labors are long and rarely consume less than three months. It divides itself into sub-commissions on the separate ministerial departments, each appointing its own reporter to the Assembly, while a separate reporter-general acts on behalf of the whole.

The importance of having the budget reported in due season authorizes the Chamber to treat this commission differently from those which are special by fixing a time within which its reports should be made; but this course should be pursued with reserve as it has the disadvantage of casting a sort of suspicion upon the zeal of the commission from the outset of its labors.³

When the Assembly met at the end of April, 1894, a deputy of Seine-et-Marne, M. Montaut, an arch-enemy of intrigues, proposed to draw by lot special bureaux of the Assembly, which, as soon as appointed, and without having time to recognize one another, should proceed to the nomination of three commissioners. The Chamber voted this proposition by a large majority. Was it a precaution which

¹ Eugène Pierre, *op. cit.*, § 750.

² *Ibid.*, § 748.

³ *Ibid.*, § 770.

it took against its own impulse; or a shrewd means of annulling at a blow the long work of solicitation which some candidates had already employed towards the members of their respective bureaux?

If the commission arrives at a vote before the 15th of August, the day of meeting of the Councils General, it will be a wonder; and what will the Chamber do in the meantime?¹

It points to some very unsatisfactory experience of budget work that the Chamber should resort to this haphazard mode of dealing with the finances.

Once in possession of the budget, can the commission send it back as a whole to the government that the latter may effect changes in the direction of economy and reorganize the equilibrium? Or is it to go to work itself and substitute its figures for those of the government? The commission of 1888 adopted the former course, and, saying that the budget was not satisfactory, asked the government for new propositions. It is significant that the ministry replied by a letter which, without rejecting the possibility of economies, left to the commission to propose them. The question was brought before the Chamber, which supported its commission.² In the great majority of cases it may be assumed that the commission would only too gladly take the work out of the hands of the government and frame the budget to suit itself.³

After the general budget of the State or the proposition of special credits has been voted by the Chamber, it goes to the Senate and is submitted to a commission of eighteen members of that body chosen in the bureaux. With such amendments as may be carried through in the

¹ *Revue des Deux Mondes*, May 1, 1894 — "Chronique de la Quinzaine."

² Eugène Pierre, *op. cit.*, § 771.

³ Our journals discuss interminably whether the Chamber ought spontaneously to form itself, distribute its groups, decide upon the lines of its programmes, determine its tendencies; or if it is the government which ought to have the initiative of this great work of physiology and politics. — PAUL LAFITTE. *Revue Bleue*, November 11, 1893.

Senate it is returned to the Chamber, which has the final deciding voice.

In studying the effect of this procedure, we must keep clearly in view the difference between the English and the French practice. In Great Britain we have seen¹ that the conduct of legislation — wholly in public matters and largely in private — is in the hands of the executive government, which has exclusively the initiating power; that the Parliament acts merely as a criticising body with a power of veto which it does in committee of the whole. There are no standing committees empowered to pull to pieces the propositions of the government and to mix them up at pleasure with other propositions of all kinds emanating from individual members. The bureaux and the commissions of the French Chamber, like the standing committees of the Congress of the United States, are made up of members representing districts and not the nation, which is illustrated by the remark that it is true in mathematics, but not true in politics, that the sum of the parts is equal to the whole. The ministry, on the other hand, whether in France or Great Britain, being at the head of the national administration, do represent the whole nation. Again, they represent the wants and needs of the administration, and are responsible for it, which the members — whether of the Chamber or the commissions — are not. A proposition of the British ministry, therefore, which has to run the gauntlet of parliamentary discussion, has three great features. It must, in the interest of the ministry, be conceived from the point of view of the national and not of private interests. It must be adapted to the requirements of administration and consistent with other laws and practice already in force. It cannot be thrust aside by the schemes of individual members prepared with a view

¹ Chap. V.

to local and private interests. The French ministry may prepare their measures in the same way, but these measures are at once taken out of their hands and given over to the bureaux and commissions, which have the power and certainly the will to reverse their character completely in all three respects.

Whether or not the difference is owing to the power of dissolution, the effect of the English system is that it brings strong men into the government,—men of ability and integrity, and such as command the confidence of the people; while the publicity of debate, the following of chosen leaders, the character of speeches and votes, the impossibility for private members of getting any share in or any control of administration till they have worked their way into office—these things have a similar effect upon the legislature. The effect of the French system is, as regards the government, that men of ability and character will not take places where they have responsibility without power, where their plans of administration are almost certain to be overthrown by the caprice or intrigue of fractions of the legislature, where even their tenure of office is not only uncertain but certain to be temporary. The quality of the ministers must, therefore, steadily decline, and their places will fall into the hands of men who seek them for the honor and emolument to be derived from them, and not with the ambition of glorifying them by splendor of achievement.

The effect of the system upon the legislature is to bring forward a class of men suited to the work of the republican union, as described by M. Lamy in the extract quoted in our last chapter,—an effect which will be more fully discussed in the chapters devoted to the United States.

Fifteen years ago (1878) the chambers did not hold in our political and social organism the place which they occupy to-day. In the

face of the executive they were recognized as a power independent but watched and sometimes threatened. By the side of their will was the separate will of the government, and it was felt that the second should have the direction of the first. To-day the situation is reversed. It is no longer a question of seeking in the collection of precedents for tactics capable of preventing a government from laying siege to the chambers. The chambers are themselves the government. Before acting, the ministers try to penetrate the intentions of the majority; it is not their programme to guide those whom the electors have chosen, and the whole secret of their tenure of office is found in the degree of their skill in catching the lessons of the votes.¹

As far back as 1840, Thiers, in a letter to Guizot, described the effects of the predominance of a legislature in

ministers pale, hesitating, without avowed principles, without other pretensions than to live from day to day, without any point of support except universal lassitude and discouragement, reduced to efface themselves on all important occasions, to protect themselves by continual complaisance, now towards the king, now towards the Chamber and each fraction of the Chamber great and small, and to manufacture for themselves every morning an artificial majority by concessions or compliments, by promises and caresses, by weighing in scales of spiders' webs the number of situations which they have distributed in the Post-office on the one hand and the Tobacco Department on the other.²

And the *Journal des Débats* at the same time described the ministry

as going from Left to Right and Right to Left in the same hour; as having neither plan nor system nor will nor majority anywhere. It is a perpetual solicitor of contrary votes. It buys a success only by making concessions of principle to the Right, and voting with the Left.²

These accounts will answer equally for the monarchy with its extremely limited electorate and for the Third Republic with its universal suffrage.

From this preponderance of the legislature, again, results the Socialism which forms such a large element in modern

¹ Eugène Pierre, *op. cit.*, Introduction.

² Thureau-Dangin, "History of the Monarchy of July," Vol. IV., pp. 107. 151.

politics, and appears so especially threatening in France. A strong executive, relying upon the support of a national public opinion, would have sufficient confidence in itself to repress local disorder and violence. On the other hand, a legislature made up of a large number of local representatives will be paralyzed. The member from the district in which the disorder occurs will be at the mercy of the violent element, while the members from other districts will reason that it is not their business to take care of his district, and will be quite sufficiently occupied with anxiety about their own, and all alike will be jealous of executive action.

A short account of the fall of the ministry of M. Casimir Périer in May, 1894, will serve as a sample of similar events. A certain M. Toussaint appears as a type of many deputies,

who belong not to their district, but to suffering humanity, and their intervention generally has for its object, or at any rate for its result, to prolong human suffering. Having gone to Trignac to stimulate a strike and been arrested at the head of a crowd of rioters, he pleaded his exemption as a deputy and was discharged by the government official, while his followers were proceeded against. M. Périer, however, placed the officer on the retired list and asked the Chamber for authority to prosecute M. Toussaint. It was accorded by a majority of sixty-five. Since his accession on December 3, 1893, Périer has been regarded as one of the strongest ministers who have been in power, being very rich, indifferent to office, and resolute to obstinacy. Such support, added to his previous resistance to Socialist attacks, seemed most hopeful for the future. A week later his Minister of Public Works was asked whether he had allowed delegates of the employees of the state railways to attend meetings of a railway workmen's union. Replying in the negative, he was attacked by a Socialist leader and defeated in two votes, first by a majority of thirty-four and then of twenty-eight. The ministry at once resigned, and the President was called upon to form the thirty-second government which has held office in little more than twenty years, applying first to an ex-minister, who refused the thankless task of trying to govern Parliament without a majority and without the power of dissolution.¹

¹ *London Spectator*, May 26. 1894.

Pointing to the probability of a government of Socialists, the same journal observed : —

Naturally the funds fell, and all who are interested in order are shaking in their shoes, believing that the government will be in reality, if not in name, a government of anti-capitalists. It is therefore more than probable that as a consequence of the fall of M. Périér the "Red Spectre" will be abroad again with the usual result, — a passionate desire in the minds of the majority to find protection from the Chamber in the authority of some strong man, or some change in the constitution which shall greatly strengthen the hands of the executive.

Again : —

Why the French Chamber, when freely elected, is always more violent than the electors who send it up is a fact which no one within our knowledge has ever explained or denied. Why, again, a majority of property holders in possession of the vote, electing the President indirectly and holding control through him of all physical force, are so madly afraid of an anti-social minority is as inexplicable to outsiders as it is to those who have written the history of 1848, 1852, and of the Parisian Commune.

It seems a simple explanation and quite sufficient for all these periods referred to, that a legislature left to itself and without authoritative leaders is nothing more nor less than a mob, and that all mobs, through their want of concert of action and of mutual confidence, and through the prevalence of mutual distrust and suspicion, are always at the mercy of the most violent and reckless portion and those who have nothing to lose. The mass of the voters suffers from precisely the same difficulties as the legislature, and the only remedy in both cases lies in a strong individual executive head, endowed with full power to govern but restrained by public responsibility to both.

Do you think that in a parliament the question of a majority is only a question of arithmetic? In politics, as in war, the number is nothing when the combatants of the same army or of the same party do not feel each other's elbows. If you take three thousand or four thousand men and put knapsacks on their backs and guns on their

shoulders, will you for that have a regiment? Evidently no! A regiment needs officers, company formations, discipline, cohesion. And for a majority which is to govern there is needed common ideas and a fixed programme.¹

But these last things are only possible through officers, cohesion, and discipline, just as in a regiment.

The experience of the representative system in France in this last quarter of a century has evolved two related phenomena, which, from some points of view, may be considered as alarming for our public liberty. One is the development of an exaggerated legislative activity; the other is the transformation which has taken place, and is increasing daily, in the form and in the nature of our legislative acts.

Our representatives give us too many new laws, and more and more the laws which they give us, instead of being declarations of principles, are the regulations of details.

The progress of democratic ideas in bringing the elector nearer to the deputy has created in both a disquieting conception of the function of law. The elector sees in it a means of satisfying all the wants which are felt by himself or those about him. It seems to him that no interests exist for which the law is not bound to provide, no situation which the law cannot regulate. If we add that the law appears to the great number of deputies as an instrument placed at their disposition for assuring the triumph of the smallest claims of their electors, we shall not be surprised to see laws piled upon laws, and shall not hesitate to recognize in this a dangerous tendency, if we admit that so far from reproaching our legislators with their excessive fecundity it is rather of sterility that the electoral body accuses them.²

And the writer goes on to say that besides expecting the executive to carry out the law the legislature intrusts it with the power of ordering all sorts of regulative details, or, in other words, secondary legislation, a remark which is curiously illustrated by the system of executive commissions established in Massachusetts.³ Indeed the whole passage will bear application to that State.

Nowhere are the effects of the organization of the

¹ Paul Lafitte, *Revue Bleue*, September 9, 1893.

² H. Barthélemy, *Revue Politique et Parlementaire*, January, 1897.

³ See Chap. XXII.

French legislature above described more disastrously visible than in the finances.

The best way of serving the Republic is to have good finance, to have a well-balanced budget, to manage the national fortune so as to bear without yielding the weight of charges which cannot be evaded. That is what M. Léon Say (as finance minister) has done. He has applied practical good sense to establishing a very simple budget, sparing the country new sacrifices, and has at the same time avoided touching prematurely a financial edifice constructed with so much difficulty years ago. M. Gambetta, on the other hand, who has become a passed master of finance since he is (the wholly irresponsible) president of the budget commission, has his own system. He has his financial programme with its obligatory articles, revision of the land registry, income tax, diminution or suppression of certain indirect taxes, reform of the administrative service, revision of the pension laws, complete modification of the relation of the State with the great railroad companies.¹

In fact, the year 1877 was a culminating point in our budgetary history since the war, and the year 1888 is another. From 1871 to 1874 everything was to be restored, and the war indemnity was to be paid. M. Thiers with his financial genius was equal to the task. He made enormous loans and through their success discharged the debts to the enemy, liberated our territory, and introduced into the management of our finances the only method which can insure prosperity, that is to say, clearness in accounts, equilibrium rigorously maintained between actual receipts and actual expenses, and the putting in force of a real sinking fund.

In England, the sinking fund, which is the real touchstone of well-managed finances, has reduced the total of the public debt by about one hundred and fifty millions of francs annually.

The effects, thus far similar, have resulted from the same cause, the entire administration of the finances by a single executive head.

We, in France, on the other hand, starting from 1881 (about the date of the republican union, above described by M. Lamy) have prided ourselves on entering the road of an annual gap of six hundred millions between the total expenses and the regular receipts, and have since then, in profound peace, in the full development of our riches, increased our debt by several milliards.²

¹ *Revue des Deux Mondes*, May, 1876 — "Chronique de la Quinzaine."

² Le Budget de la France. A. Moireau, *Revue Bleue*, April 14, 1894.

If the management of the finances in England was withdrawn from the chancellor of the exchequer and intrusted to committees of Parliament it would take but a few years to tell a similar story.

The recent history of tariff legislation is also singularly illustrative of the same principle. We must assume, for the purpose of this argument, that a protective tariff means the favoring of powerful private and class interests at the expense of the general public. Both France and the United States, where the finances are in the hands of committees or commissions of the legislature, are almost hopelessly entangled in the meshes of a complicated protective tariff which is constantly changing, and generally for the worse. Great Britain, where the finances are managed by a single executive official, the chancellor of the exchequer, and where no changes can be made without his direct initiative, declared for free trade nearly half a century ago, and through all vicissitudes, and although constantly threatened by hostile foreign tariffs, has never wavered for a moment. Whatever may be thought of the policy of free trade she has at least given to her merchants the stability and permanence of system which are almost of more importance than either high or low duties.

The conclusion which we venture to draw from this examination of a century of French history is that the nation has made an immense, and, upon the whole, a steady gain in political sense and self-control.

Never have positive laws been respected in France as during the last twenty years. Never has written law been for the legitimate impatience of conflicting parties a more solid check-rein. Who would have believed a few years ago that a constitution could live, that a government could endure, with full opportunity given to writers to say everything they please both against laws and against men?¹

¹ Eugène Pierre, *op. cit.*, Preface.

The problem which has not been solved, and which, allowing for the difference of circumstances, is almost as threatening as it was a hundred years ago, is the organization of government in the relations of the two branches, the means of preventing a fatal preponderance of executive power without falling into an equally disastrous preponderance of the legislature. And that which should make this history of intense practical interest to Americans, that which justifies the long quotations here given from French political writers, is the wonderful parallelism in the operation of principles, even though with differences of development, in France and the United States.

Since the above was written, a book upon Modern France by an Englishman has appeared and attracted much attention.¹ The writer of it has spent some years in the study of that country, in all its parts and its different classes. How far the work is apposite for the present purpose will appear from one sentence in the preface :—

The capital subject of these volumes is Political France after a century of Revolution.

The book may be said to bear the same relation to France which Mr. Bryce's "American Commonwealth" does to the United States, a class of literature the value of which cannot be overestimated. The keynote of Mr. Bodley's conclusions may be summed up thus : that France is not fitted for parliamentary institutions, which have proved a complete failure ; that Frenchmen like a centralized and orderly government such as was established in its most perfect form by the first Napoleon, and that under it they have been very well governed, in fact much better than they are now ; that they must inevitably return to it, and it is probably much better that they should. This does not in the least interfere with appreciation of their

¹ "France," by John Edward Courtenay Bodley, 1898.

individual character. For sobriety, intelligence, family relations, thrift, patriotism, elevated ideas, Mr. Bodley places the French at least on a level with any other people.

In these volumes we shall not see much of the more excellent elements in the community, nor of the great mass of the people, whose silent, sober energy makes up for the errors of its conspicuous classes. . . .¹

Speaking of a workman with whom he was brought in contact:—

The experience of this sage is that of the great bulk of the inhabitants of France; they toil at their callings so long as work is to be done; they take their holidays happily yet thriftily; and their sole participation in the politics of the nation is that their energy supplies the remedy for the damage done to France by political incendiaries of various denominations. . . .²

In studying the political institutions of France, it must always be remembered that, however unsatisfactory a spectacle the conduct of public affairs may present, the land contains several millions of worthy people of various classes engaged in the tillage of the soil, in crafts of skill and in commerce, as well as in intellectual pursuits, who are working, most of them unconsciously, for the benefit of the community; and, moreover, such lives abound not merely in the silence of the fields and vineyards, or amid the placid murmur of country towns, for Paris, the nursery of revolution, the playground of frivolity, the theatre of political adventure, is also a brilliant centre and one of the great workshops of the world. . . .³

There are no creatures of the human species so orderly and methodical as the French. In the private life of the people, their thrift, their care in keeping accounts, their skill in organizing simple pleasures in the intervals of toil, the neat attire of the women, the formality and good service of the meals even in humble homes, all testify to a provident and systematic temperament inconsistent with action from impulse.⁴

But they take no interest in public life.

It would be too much to say that the three millions of electors on the register who fail to record their votes at the elections include all

¹ Introduction to Vol. I., p. 56.

² *Ibid.*, p. 58.

³ *Ibid.*

⁴ Book I., Chap. IV., p. 243.

that is best and worthiest in the nation, but the proposition would not be extravagant. Those who abstain are not only men eminent in letters and art, of ill example, perhaps, in their disdain for politics; no rare philosophers like M. Taine, who, attaining manhood at the epoch when universal suffrage was granted and uncertain how to bestow his vote, spent the rest of his life without reaching a definite conclusion (Preface to the "Ancien Régime"). In a democracy such fastidious units, however eminent, count for little. Their abstention becomes important when it is joined to that of humble workers in every sphere of life, in every region of the land. Explore the French department; live among the people, and observe the most industrious villager, or the most cultivated tradesman in the country town; question him about the local deputy or the elections, and his reply will be, "Je ne m'occupe pas de politique." A peasant may use a more vigorous verb.¹

This is supposed to prove that they are not fitted for representative institutions. It seems to us only to prove that their representative institutions, as operated, are not fitted for them. The same phenomenon is increasingly apparent in the United States, at least in local elections; for the presidential election, for reasons hereinafter given, still draws out a very full vote, as we believe that similar elections would do in France.

Again, public life attracts only an inferior class of men.

To one acquainted with the different phases of French society the contrast is painfully striking between the level of intelligence of political circles and that of the financial and industrial world. At Lyons, at Bordeaux, and other commercial centres, the men who develop the wealth and maintain the prestige of those cities by their high character, their public spirit, and their manifest ability, seem to be designated to direct the affairs of the country; but if by rare hazard one of them is elected to Parliament he remains a private member.²

We shall see later that exactly the same state of things exists in the United States, and that the reasons for it in both cases are to be found not in the character of either people but in the conditions of public life.

¹ Vol. II., Book III., Chap. II., p. 81.

² *Ibid.*, Chap. V., p. 286.

It is the constant tendency of the French legislature to arrogate the functions of a convention and to override the principle of the separation of powers—a sure sign of the unsuitableness of parliamentary institutions to the French national character.¹

It is no more a sign of that than the equal tendency, constantly displayed, of Congress and the State legislatures in the same direction is as to the character of the people of the United States.

It was observed that when M. Freycinet took his seat in the Academy, the practised debater of the Senate and the Chamber was less skilled in speech than the learned Academician who received him, M. Gréard, a professor of the University who had devoted his talents to the organization of public instruction. It was a striking instance of the fact that the best ability of France shuns politics. The legislature had been scoured to find a statesman fit to take a seat in the company founded by a minister of France, and when the best specimen of his class was produced he was, by a modest professor, out-matched in eloquence,—the essential arm of a politician's equipment. What rich material France contains for ministries and legislative assemblies of the highest order! Around the tables of the Institute alone the gifts of oratory, wit, political science, and knowledge of humanity abound. But the French are not a parliamentary people, and while they are waiting for a *régime* to suit them they are uncommonly wise in not encouraging their worthiest sons to waste their powers in an ill-contrived parliament. . . .²

Previous French experiments in representative institutions were always too short-lived, being abbreviated by revolution, and were founded on too artificial a basis to afford material for judgment.³

In fact, they have never to this day had any fair trial at all.

But under the Third Republic they have been tried, during a period of perfect peace and domestic tranquillity, on a democratic foundation under the most durable *régime* of the century, which has never had a serious rival: and out of these favoring circumstances the parliamentary system has emerged irretrievably discredited. The temperament of the French people is not the sole cause of its failure.

¹ Book II., Chap. II., p. 309.

² Vol. II., Book IV., Chap. VI., p. 439.

³ Vol. I., Introduction, p. 32.

A fundamental obstacle to thwart its working is its combination with centralized administration, constructed to be manipulated by one strong hand, and instead of modifying the defects of centralization parliamentary government aggravates them.¹

A period of thirty years is expected to modify and transform the habits and traditions of three hundred, and because it fails to do so its efforts are pronounced to be incompatible with the character of the nation.

An Englishman who observes the sad state of things and the depressing effect it has on some of the most enlightened thinkers in France, exclaims, 'But why not do away with your centralized system and give parliamentary government a chance?' The reply is, that if the Napoleonic fabric of centralization which has survived the vicissitudes of the century were demolished, it would bring down with it every institution in France with havoc more ruinous than that of 1789, and to build another structure another Napoleon would be needed.²

The basis assumed for this reasoning is that the whole fabric must be destroyed at once and by violence. The attempt has been made for thirty years to modify it gradually. If it has failed it is because all attempts at government must fail when the instrument is a legislature alone with practical destruction of executive power.

It may be that he planned his reconstruction on wrong lines, as M. Taine objects, and instead of strengthening the centralizing features of the old *régime* he would have done better to strew the land with autonomic institutions.³

One would imagine that Napoleon was a calm and philosophic constructor of government, aiming at what was best, or what he thought was best, for France. In fact, he was only another Louis XIV. with greater intellect and more modern and scientific methods. The object aimed at and the result were the same. Neither cared anything for France or Frenchmen except as they served

¹ Introduction, p. 33.

² *Ibid.*, p. 34.

³ *Ibid.*

his purpose ; and the purpose of both was despotic rule and military power. Napoleon, with the remorselessness of an Eastern sultan, carried the system to much higher perfection, and succeeded within fifteen years in bringing France to a condition of humiliation and subjection to foreign conquerors which Louis XIV. attained less perfectly in three-quarters of a century.

But on his return from Egypt in 1779, ten years of revolution had made anarchy and chaos so complete that his genius alone could have saved the integral existence of France; and when mortals are endowed with superhuman power on rare occasions in the world's history they are not mild doctrinaires, nor would they be able to cope with the crises which produced them were their qualities those which befit benign constitutional organizers.

That in great political crises nations are brought through their difficulties by individuals is a doctrine to which we heartily subscribe. The question which we hold to be still open, and which it rests with popular government to solve, is whether those individuals shall be of the type of Frederick the Great, Napoleon, or even Bismarck, or of that of William of Orange, Cavour and Victor Emmanuel, Washington and Lincoln.

It is, however, futile to dream of what Napoleon might have done, especially as subsequent events indicate that autonomic institutions would not have suited the French, while it is certain that the centralized system does conform to their wants and ideas. Proofs of this fact abound.¹

We make bold to assert that the proofs submitted are no proofs at all.

In the first place, while several times in the century the French have overturned dynasties and engaged in civil war, when the fray was over and the new *régime* set up, though the government of the country was unarmed and entirely with opponents of the previous dispensation, a material change was never essayed in the essential fabric of the Napoleonic construction.²

¹ *Ibid.*

² *Ibid.*, p. 35.

How could it possibly have been? A system consolidated by centuries and fastened upon an entire nation could not be changed to order like a coat. Hear our author himself in another place.

Even if the habits of French politicians could be suddenly transformed, it would take some years to habituate the nation to the change. To establish the party system it would not suffice for ministers to cease from intriguing against their own colleagues, or even for cabinets to fall less often and for less incoherent reasons. It is not by transactions within a legislature that national tradition is altered. It is in the country and at the ballot-box that parties are organized and fortified.¹

But the country cannot do such work of itself. For that are needed statesmen of genius and training, animated by faith in popular government. The Napoleonic system had closed the door of public life to such men and they could not be improvised. Is it any wonder that a union of such centralized administration with a government by a legislature should produce an abortion?

"We are marching," said M. Reinach, "towards a state of things like that which exists in the United States, towards the formation of a narrow caste of politicians, side by side with the abstention, growing daily more complete, of thinkers and men who make others think."²

Secondly, though treatises on decentralization abound in France, they show that the boldest practical conceptions leave the centralized system untouched from an English point of view.³

It is a peculiarity of the English system that its outward form furnishes very little key to its inner working. The principles which have been worked out in the last two centuries, to the unspeakable benefit of mankind, have grown up almost unconsciously. It is only within the last fifty years that men like Mill, May, Bryce, Bagehot, and Todd have subjected them to scientific analysis, while the

¹ Vol. II., Book IV., Chap. VI., p. 443.

² Vol. II., Book III., p. 155.

³ Introduction, p. 35.

relations of local and central government are still awaiting further examination. We have seen the lamentable failure of the French statesmen in the attempt to apply those principles in the period of 1840-1848. Does the failure of their successors in another and far more nearly successful attempt prove that the principles are unsuited to the French nation?

In the third place, the scant interest taken by French citizens in the important local governing bodies which they possess shows that the majority like to depend on the central power for their administration. . . . While writing these introductory pages I attended the opening session of a *conseil-general* in a provincial capital.

Reasons are given why it was of special interest.

But taxpayer and admiring fellow-citizen alike remained unstirred. Five non-official spectators alone were attracted to the prefecture; two of them were reporters, two were experts employed in a technical matter, and the uncompelled audience consisted of one member of the public, who was a stranger to the department and to France.¹

A population in that condition is an easy prey to any despotism imposed from the outside. They have never been taught anything else.

Then, again, there is no public opinion in France, as we understand it in England, or, at all events, no means of expressing it. The spirit of the press of the whole country, excepting in matters of local interest, is regulated by the journalists of Paris, who interpret merely the sentiments, sometimes conflicting, sometimes unanimous, of the boulevards, and the newspaper is not used by the public for airing its grievances by means of letters to the editor. Moreover the legislature, as we shall see, though called a parliament, is not utilized as a parliamentary people would make use of it, for quietly redressing the grievances of the day; questions and deputations to ministers, petitions to the two houses, pledges demanded of members, and, in fine, all methods of constitutional agitation are unpractised in France.²

How is it shown that this is owing to the character of the people rather than to generations of training?

¹ *Ibid.*

² Vol. I., Book I., Chap. II., p. 137.

A fourth sign of the suitability of the centralized system to the French temperament is, that not only it provokes no popular opposition but its existence is approved by almost every Frenchman of eminence; of the great class which takes no part in politics and which brings the highest credit on the nation. Philosophers and artists, men of science and men of business, of various views on social and ecclesiastical questions, are generally unanimous in holding that the centralized fabric is necessary to the existence of France as a tranquil country, in which art, letters, research, or riches may be pursued.¹

Yet France, during the last century, is not especially distinguished for its tranquillity, nor have the monarchical periods contributed any more to it than the republican. It is for the most part incidentally that Mr. Bodley points out the evils which have grown up under this centralized and irresponsible government,—the total want of sympathy and confidence between classes, of any general public opinion, and of any trust in the government as, if not perfect, at least trying impartially to do the best it can for the public interests; the seething discontent which from time to time breaks out in violence, is repressed by violence in turn, and trains the people to believe that force is the only basis of society; and as a consequence of this the general disregard of, and indifference to, individual liberty.

If the French had not this instinct of submission to an arbitrary ruler, they would have shaken off the mechanism of autocracy which they have voluntarily endured under their democratic Republic, as though to preserve it for the hand of a master when they set one up again. From our English point of view the increased degree of liberty which the Republic, as compared with the Second Empire, permits the French to enjoy is inconsiderable. The censorship of the press has been reduced and there is no more restriction on the publication of legislative proceedings. But there is no liberty of association, no liberty of assembly or of procession in the streets; liberty of public meeting is subject to paternal regulation; a citizen's domicile is not inviolate, and if charged with a crime he is submitted to pro-

¹ Introduction, p. 36.

ceedings which to us suggest the usages of the Stuarts. More than that, the whole machinery of centralized administration is preserved in the masterful form which it took from the hands of Napoleon.¹

And because the French, in their struggles to obtain a working constitution, have not been able to reverse the whole procedure of centuries, therefore they are unfitted and have no desire for free government.

The critical spirit which made the French Revolution has never ceased to be active; but under the Third Republic it has taken the form of pessimism, acute and contagious, — affecting every portion of the nation, excepting that which goes resolutely about its work without troubling itself to think whether France is well or ill governed, or what is the precise nature of her prestige among the powers of Europe (p. 25). The combination of parliamentary government with centralization is a potent cause of the pessimism of French political writers. They see that the general result is unsatisfactory and that some of the chief elements of the governmental system are immovable, manhood suffrage being as permanently established as the centralized administration. Thus the only hope of an improved state of things lies in the prospect of the voice of the nation delegating its powers to an authoritative hand instead of to parliamentary representatives. But apart from the retrograde character of such a change, which would sadden doctrinaires, no leader capable of touching popular sympathies has shown the faintest sign of existence. When he arises he may be the *bon tyran* of M. Renan's optimist dreams; but, on the other hand, there is always the fear of a shallow military adventurer being disastrously hailed to rescue the land from parliamentary anarchy. Moreover, the most definite prospect of ending this state of things rests in the vague future, which lies beyond the issues of the next European war; and war is so dreaded by the French, in spite of their martial temperament, that rather than contemplate its horrors they would submit to an infinitely worse *régime* than the present, to the defects of which the great mass of the population is absolutely indifferent² (p. 39).

Our reasoning is that the methods of carrying on government both in France and the United States are such as to suppress all leadership until at last it comes by violence.

In reading the following it must be remembered that for the first time in France the press has been absolutely

¹ Vol. II., Book IV., Chap. III., p. 397.

² Introduction.

free, and that its license has as yet failed to produce revolution.

At the other side of the moral and intellectual scale there is a most dissimilar pessimistic influence now at work in France. The violent press ought to have no effect on the mind of the impartial student of French institutions, but he has to take into consideration its widespread power for evil. Every day throughout France are distributed tens of thousands of cheap journals, which, expressing every shade of public opinion from the doctrine of the Commune to reactionary clericalism, have one feature in common, — the scurrilous aspersion of public men. Sometimes the objects of their fury are not worthy of the high position to which the hazards of an ill-combined political system have raised them; but as a rule the defamatory clamor has little relation with the real actions or character of the persons denounced. At all events it is demoralizing for the nation that those who read the newspapers in town and country should daily be told that all Frenchmen in authority, whether politicians, diplomatists, judges, or ecclesiastics, are tainted with vice or even branded with crime. The evil is spreading, as there are provincial journals which outdo the most abusive prints of the boulevard in denouncing the gallant chiefs of the army.¹

The writer goes on to say that even the journals, magazines, and books of high authority take on the same tone of pessimism. It will be seen from the last sentence quoted which way Mr. Bodley's eyes turn for relief from the existing situation. The recent trials of Zola and Reinach point strongly towards the power which the army wields in the government and to the displacement of the vacillating chambers by a military ruler. Of course such a one would reach power only through war, and a successful war at that. Is it surprising that pessimism should be the prevailing tone of the whole society? ²

It may be said, 'You refuse to accept Mr. Bodley's premises and reject his conclusions. What substitute do you

¹ Introduction, p. 42.

² Yet these very trials show how free discussion and the force of public opinion are gaining ground in France, while exactly the reverse is taking place in Germany.

suggest and how do you imagine that the future of France might be modified?' It is a fair question and we will attempt the answer, not with reference to the future of France, but from its bearing upon parallel circumstances in the United States. That France requires an authoritative ruler is no doubt true, as for that matter every democracy must. But why need it be a military one? A civil magistrate, sustained by the voice of the people and using his power for the gradual strengthening and modifying of their institutions in the direction of popular rule, would answer the purpose just as well and open the way to a better future.

How can such a man be found? The simplest method would be to give the President an absolute power of dissolution of the chamber of representatives. Even now a direct appeal to the Senate would doubtless enable him to do that in case of a defeat of a ministry of his choice. An address issued directly to the people, explaining the circumstances and the importance of a decision, and asking them to send deputies pledged to support his policy would probably bring a response, and at any rate form a first step towards leading the people to act together, just as the appeals of the first and third Napoleons actually did. Two or three such dissolutions carefully managed would begin to develop a public opinion of the right sort, to replace the perverse one which it seems is already building up under an irresponsible and violent press. The abuse of journals would shatter itself against the calm and temperate arguments of the President, and the enthusiasm for personality, nowhere greater than in France, would be brought to bear without the disastrous accompaniment of military glory. In the hands of men like Carnot, Casimir Périer, or even M. Faure, it would have been an instrument of irresistible power. President Périer did indeed make a slight move in that direction.

An attempt in this direction, when the majority of the Chamber voted for the revision of a judgment of the *Conseil d'Etat* in the matter of certain State agreements with the railway companies, caused the retirement of the second Dupuy ministry, and M. Casimir Périer seized the occasion of this crisis to address to the presidents of the houses of the legislature a letter resigning his high office, and indicating some of the reasons why he found its further custody intolerable. The general purport of the message was that the President had too many responsibilities and not enough power. The Socialists' comment upon it was that there was logically no middle course between the abolition of the presidency and its conversion into a dictatorship; a dilemma which would be irresistible if logic had any relation with the science of government.¹

It seems plain enough that a middle course was perfectly consistent both with logic and practice. If the President, instead of resigning, had dissolved the Chamber and with a full statement of the same proposition and the explanation of it addressed directly to the people had called for a new election, the future history of France might have been different.

But no French ruler, except a chief of the army, seems ever to have imagined the power of an appeal to the nation. The word *plébiscite* has come to include the idea of a soldier.

There is still another course which, if not practically applicable to France under present circumstances, illustrates what might be done both there and in the United States. Suppose that the President was elected once in four years by the majority of the whole people, the Chamber being renewed as a whole every two years. Suppose that the ministry, selected from in or outside the Chamber, bore the same relation to it that they do now; that the ministers did not feel at all bound to resign, individually or collectively, upon an adverse vote of the Chamber; that they got on with the best legislation they could get, arguing, protesting, and appealing indirectly to

¹ *Ibid.* Vol. I., Book II., p. 309.

the country, and resigning only individually at the request of the President. Parties would crystallize and harden. Rival candidates, with positive policies, would compete before the people. Sober and conservative newspapers would join in forming a public opinion, which would be aroused and educated. Public men would come forward and attract public attention through debate and skill in the Assembly; peasants and shopkeepers, as well as scientific, literary, and professional men would be ready to take their share in politics. A civil president with the country at his back might be able to control even the army.

This review of the present political situation of France cannot be left without some reference to the Dreyfus case. The facts upon the surface seem to be of the most foolish and childish character. A subordinate officer is accused of having sold to German agents a military document, of which it is difficult for the non-military mind to see the overwhelming importance. Tried by a secret court martial, he is found guilty, partly upon evidence which, as since made public, appears to be of the flimsiest kind, and partly upon the assurance of high military officials, upon their honor, that they know him to be guilty. Having been convicted, he is paraded before a large body of troops, stripped of his uniform and insignia, and marched round the lines in this dishevelled state, all the while maintaining his erect bearing and firmly asserting his innocence. Expelled thus from the army, he is condemned to exile and imprisonment in a tropical fortress, which was supposed and probably meant to be equivalent to a sentence of death; notwithstanding which he has remained for some years in excellent health. The unfortunate officer was further a Jew, and the violent race prejudice which exists in Europe was brought to bear against him.

The next step was that suspicion of the act of treason

was transferred to another officer. But, though of very bad character, he was nominally a Christian, and as his conviction would have stultified some leading officers of the army, he was acquitted. It appeared, however, that the only document of any importance upon which Dreyfus was convicted was a forgery, and the officer chiefly connected with it made confession and committed suicide.

Meantime the famous novelist, Zola, had taken up the case and denounced the court martial and the government in unsparing terms. Indicted and brought to trial for criminal libel, he found his counsel and witnesses brow-beaten, the evidence suppressed, and the whole weight of the leaders of the army applied to bend the court to their purposes. Zola was condemned to fine and imprisonment.

But another and the most interesting figure had appeared. Colonel Picquart, the head of the Secret Intelligence Department, was convinced of the innocence of Dreyfus, and thought it his duty to proclaim it. Throughout the Zola trial he manfully adhered to his position. To get rid of him he was sent with insufficient support to a dangerous and unhealthy station in Africa, but he survived to return. He was then arrested on technical charges and sent to prison, taking public occasion to say that if he was found dead in his cell, it must be understood that he did not commit suicide.

Outside opinion, however, was now becoming aroused, and an appeal was made to the Court of Cassation to interfere and stay the proceedings against Colonel Picquart. It was a direct trial of strength between the civil and military power; the ministry, as usual, taking an attitude of trimming, and throwing the responsibility upon the court. The latest accounts are that the Court of Cassation has taken a firm stand at least for delay.

What is the real significance of that which is apparently a squabble over a subordinate officer and over mean-

ingless details? Why does a whole people get so excited over the case of a single individual? In the first place, they have nothing else to get excited about. The President of the Republic is merely a figure-head. The proceedings of the chambers, so far as they have any meaning, are secret, and all that the public can see are the quarrels of factions, without leadership and without policy, their only object being to set up and pull down ministers and to get possession of power, while the ministers are what we have seen. The only things upon which the public can concentrate its attention and vent its discontent are such unhealthy topics as the financial operations of M. Wilson, the Panama scandal, and the Dreyfus case.

Secondly, the outcry against the Jew is an expression of the hatred of the multitude for the *bourgeois*, the holders of capital. In the distrust and suspicion between classes which are the growth of centuries, hostility and violence take the place of coöperation for the common good.

Again, it must be remembered that the army is the hope of all classes. To the multitude it represents safety from foreign attack and the prospect of revenge upon Germany. To the owners of property it seems the only defence against outbreaks like those of 1848 and the Commune. To all it presents in the midst of political chaos an example of order, subordination, discipline, and above all personality. To all appearance it is the only source from which the one necessity of the future, a man, can come forth. The indications point to a Robespierre, or a Napoleon, modified by the changed circumstances, as not far below the horizon.

On the other hand, hopeful signs are not wanting. That with freedom of the press peace has thus far been preserved is something new in the history of France, and there is evidence that an enlightened public opinion is being gradually developed. Take the following :

There are judges in Paris. The calm and dignified action of the Court of Cassation in ordering a stay of proceedings in the court martial of Colonel Picquart is a reassertion of the civil power over the military, which the best friends of France have been hoping for, and the best men of France have petitioned for. Fifteen columns of *l'Aurore* were filled with the names of the most distinguished Frenchmen, protesting against the attempt of the military authorities to anticipate the findings of the civil courts in the case of Colonel Picquart. Professors by the hundred signed, and professional men of all ranks, and engineers and authors and artists—a tremendous array of Brunetière's despised "intellectuals." Women also figured in the list, among the first being the widow of Michelet, who telegraphed, "Since women are allowed to sign, put my name down quickly." The revolution of opinion, in fact, among those whose opinion is worth considering appears to be complete. Professor Seignobos was one of the signers, and when he went to lecture at the Sorbonne, the next day after the publication of the lists, the students rose and cheered him enthusiastically. It was the same students who, a few months ago, were howling at Zola and frantically cheering for the army.¹

If that which has been the object from the first, the revision of the Dreyfus case, can be successfully brought about; if that officer can be brought home, can have a fair and public trial and can be acquitted and set free, it can truly be said that no nation in the world has made a greater proportionate progress in true liberty and the justification of popular government than the French.

¹ New York *Nation*, December 15, 1898.

CHAPTER XVI

THE PRESIDENT OF THE UNITED STATES

BEFORE proceeding to examine the political history and circumstances of the United States, it may be well to sum up the conclusions at which we have thus far arrived. At the fall of the Roman Empire Europe was covered with a number of more or less barbarous tribes, fighting desperately for existence. The first ray of light upon this darkness came from the empire of Charlemagne enforcing peace over a wide area. At his death that empire was dissolved, and Europe was plunged into a second night of feudalism. A number of great lords, who might almost be called petty kings, protected their own followers as far as they were able, but plundered everybody else and bent all their energies to the destruction of each other; a condition of misery which in reading the history of those times the mind finds itself hardly able to conceive.

The next step in progress was made by consolidating the different countries of Europe into monarchies of which the rulers were able with the aid of the people to reduce the nobles to subjection and suppress all power but their own. This was an immense advance, and brought out the fact that strong executive power is the first condition of existence for civilized society.

Executive power, however, which was too strong and irresponsible, developed a new set of evils, and the next stage of evolution to be entered upon was that at once of maintaining and limiting this executive power at the point

most conducive to the welfare and prosperity of nations. If too strong it would abuse its power to the point of oppression; if too weak it would expose society to the still worse evils of an anarchy of contending forces.

While Germany and Italy were unable to reach even the monarchical stage of advancement, England was already struggling with the more modern problem. The conflict was coeval with the Stuarts, beginning with the accession of James I. and ending with the flight of James II., that is as to the main principle, for it took another century and a half to work out the political machinery to its full development. That this conflict was successful was owing mainly to two causes.

1. The insular position and freedom from invasion, and indeed from all foreign complications unless voluntarily assumed, relieved the country from the necessity of a standing army, and therefore from the arbitrary power of the Crown. The Parliament was able to make its grants of money dependent upon the redress of grievances of all kinds. It was in the enforcement of this principle that the nobles and the commons were led to work together, to share financial burdens, and to acquire that spirit of mutual confidence and compromise which in the next century stood them in such good stead. By the same process they were enabled to avoid the foundation and the predominance of a military caste, which has worked so disastrously upon the neighboring continent.

2. The other cause was the separation of the English from the Roman Catholic Church and the expulsion of the religious orders. The sanctity of a Stuart as the head of a church was not likely to make a very deep impression, and the country was spared the disasters which the spiritual terrors of the Pope and the monastic element have inflicted upon the rest of Europe.

But this first attempt at responsible government devel-

oped the evil which was to make itself so widely felt, the absorption of all the power of government by a legislature, with its consequent anarchy, to be remedied only by military despotism. Through the eighteenth and nineteenth centuries was evolved by peaceful methods the system of strong but responsible executive government which has achieved perhaps more beneficent results than any other government which the world has yet seen.

In France the absence of the two causes above referred to produced very different results. The expulsion of the English by Charles VII. and the Italian wars of Louis XII. enabled those kings to use the plea of necessity in maintaining a standing army and raising taxes without the consent of any parliament. Grievances, therefore, so far from being redressed, were allowed to accumulate, and resistance was further guarded against by the discord and distrust between the various classes, of which the seeds were carefully sown by the royal power and nurtured by the influence of the Romish Church, while the nobles were led away by military ambition or the charms of a life at court.

When the explosion came the executive power was not reformed but simply swept away and replaced by the uncontrolled rule of a legislature, which threw the country swiftly into the hands of Napoleon. For a century France has oscillated between anarchy and despotism, and while great progress has been made it cannot be said that an effective solution of the difficulty is anywhere in sight. Still the political education of the people is going on and is of immense importance.

The principles thus laid down furnish a standpoint of the deepest interest for the study of the political history and circumstances of the United States. To those who have thus far followed the course of this work it will seem natural that, in passing to the government of the

United States, the first subject of inquiry should be the constitution of executive power. As this work again does not purport to be historical, but little consideration will be given to the intentions of the framers of the constitutions, either of the United States or of the several States; or to the historical conditions which governed and led up to their conclusions. The present question is, What form of executive power did our fathers establish? And how has it worked during the century which has since elapsed?

Perhaps in no part of the Federal Constitution did the insight and the wisdom of the framers appear more clearly than in this. They might, as was proposed in the Convention, have intrusted executive power to a committee of three or more persons, in which case the weakness, irresolution, and want of responsibility of such a body would undoubtedly have brought the Union to shipwreck, if not in time of peace at least in such a crisis as our Civil War. They might have adopted a proposal to surround the President with a council like that of Massachusetts, or the Privy Council in England; but as Mr. Bryce observes,¹ the Privy Council is a body selected as advisers by the sovereign, whereas any council in the United States must have been elected separately from the President. In that event one of two things must have taken place, either the council would have had only advisory powers, leaving initiation and decision entirely to the President — for which purpose an elected council would have been the worst possible instrument, — or it must have had an equal voice, either as a whole or individually, with the President in deciding all questions of policy and administration. Such a body could only serve to hamper and tie the hands of the President and divide responsibility, so as to conceal from the public eye the real source of good or

¹ "American Commonwealth," Chap. IX., p. 91.

evil actions and results. It would convert the President from being a real executive head into a mere political instrument with a corresponding depreciation in the political quality of the men who would obtain the office. The theory is abundantly confirmed by the experience of Massachusetts.¹ The members of the Convention of 1787 understood the principle that not only the efficiency but the quality and the purity of executive power require that it should be concentrated in a single person, with every precaution for the enforcement of responsibility.

The framers of the Constitution might, again, have provided for the election of the President by one or both houses of Congress, which would have made him the mere instrument of parties in the legislature, somewhat as we have seen to be the case in France. Even at that time, before the French Revolution and when there was really no practical example but that of the Long Parliament in England, the leaders of the Convention understood that the danger of excessive power in the legislature was as great as in the executive, and that it was of the first importance to keep the powers largely independent of each other. No doubt they shrank from the idea of a direct election of the President by the people even with the restricted suffrage of those days. It is well known, however, that their scheme of presidential electors has been neutralized in practice and that the presidential office is filled by popular election and must be treated of as such. One feature, however, still stands in the way of the complete attainment of this result, namely, the election by States; that is, all the presidential electors of each State being chosen on a general ticket and belonging to one party, while the vote of the whole State is cast as a single unit. The effect of course is that the whole struggle turns upon the doubtful States, those which can be counted

¹ See *post*, Chap. XXII.

on to give a majority to either party being almost wholly neglected. The electoral vote thus differs more or less and sometimes very largely from the popular vote.¹

In 1884 the whole 36 votes of New York State were cast for Mr. Cleveland, although his popular majority in that State, out of a poll of over 1,100,000, was just over 1100. And as those 36 votes turned the election, it was a majority of only 1100 which determined the issue of the struggle over the whole Union in which nearly 10,000,000 votes were given.²

But even this feature of a vote by States has its advantages, as providing more certainly for a decision when the popular vote is nearly balanced, instead of allowing the election to go to the House of Representatives.³ When

¹ Thus in 1860, the last election before the war, out of

a total popular vote of	4,680,193
Abraham Lincoln had	<u>1,866,452</u>
Leaving for other candidates	2,813,741

While his electoral vote was 180 against 123.

In 1880, out of a total vote of	9,218,251
James A. Garfield had	<u>4,454,416</u>
Leaving for other candidates	4,763,835

The electoral vote for Mr. Garfield being 214 against 155.

In 1892, out of a total vote of	12,077,657
Grover Cleveland had	<u>5,554,226</u>
Leaving for other candidates	6,523,431

The electoral votes for Mr. Cleveland were 277 against 167, though of the minority 22 were for a third candidate.

In 1896 out of a total vote of	13,923,369
William McKinley had	<u>7,104,779</u>
Leaving for other candidates	6,818,590

The electoral votes for Mr. McKinley were 271 against 176.

² Bryce, "American Commonwealth," Chap. V., p. 41.

³ By Article XII. of the Constitution of the United States, the person elected President must have a majority of the electoral votes, failing which the choice between the three persons having the highest number of votes goes to the House of Representatives. If a majority of the popular vote had been required, more than half of the elections since 1844 would have been thrown into the House, to the great detriment of the popular interest and control. The electoral vote acts as a kind of second election when the results of the first are known. It would evi-

public opinion is evenly divided it is much less important who is chosen than that there should be a choice.

In speaking of the mode provided for the election of a President, Mr. Bryce says: —

To have left the choice of the chief magistrate to a direct popular vote over the whole country would have raised a dangerous excitement, and would have given too much encouragement to candidates of merely popular gifts.¹

After stating the still stronger objections to an election by Congress, he adds: —

Hence the device of a double election was adopted, perhaps with a faint reminiscence of the methods by which the doge was still chosen at Venice and the emperor in Germany.

By his own admission, as well as that of all writers upon the subject, this element has been practically eliminated, and we stand face to face with the dangerous excitement of the popular vote, modified only, if that is the effect, by the vote by States.

We may pass over the period to 1840, when it might be said that the country was too scantily peopled and the conditions of life too nearly equal to furnish an adequate test, and again the period to 1860, during which the conflict with slavery formed the turning-point of the elections. But how has it been with the civic trials of the last thirty years? First on the list stands Abraham Lincoln, second

dently be difficult to arrange that the popular vote should give a majority at the first ballot, while a second would be nearly impossible. Perhaps a choice of electors by districts instead of States might be provided with the same effect as now and yet approach more nearly to the popular vote. Against this, however, it may be urged that the present method preserves the influence and power of the separate State governments, upon the importance of which we have dwelt elsewhere (Chap. XXIII.). Under certain conditions the grouping of the States might be as important as the popular vote. At all events, the happy intervention of the electoral vote bears striking testimony to the success of the original plan of the Constitution.

¹ "American Commonwealth," Chap. V., p. 37.

only to Washington in the history of the country, and whose name need fear comparison with no ruler in the world. The list then comprises Johnson, Grant, Hayes, Garfield, Arthur, Cleveland, Harrison, and McKinley. As regards personal character there is certainly little left to be desired. Political criticism of the present chief executive might be charged with party bias, but so much may be said that like most of the others he illustrates the want of adequate machinery and procedure for testing candidates in previous public life.

While of course party views must differ, one may be permitted to express admiration of the popular instinct which broke the line of Republican succession at James G. Blaine. With regard to these eight presidents, not even by hostile parties has there been any charge of want of purity of intention in relation to public affairs. Only once, in a case of misplaced though perfectly sincere confidence, the selection of a secretary of war by President Grant, has there been any approach to public scandal as to a cabinet officer. The character of the federal public service will at least fairly bear comparison with that of any other country. So far as the work was placed before the mass of public opinion it has done that work well. To show wherein and why the work has failed will require the introduction of other considerations.

Mr. Bryce has devoted one of his chapters to the question, *Why Great Men are not chosen Presidents?*

Europeans often ask and Americans do not always explain how it happens that this great office, the greatest in the world, unless we except the papacy, to which any man can rise by his own merits, is not more frequently filled by great and striking men?¹

A concise answer may be found in the old adage, that "It is of no use to set a man to do a boy's work." The

¹ Chap. VIII., p. 73.

old Gresham law of currency lays down the maxim that the poorest money which can be made to do the work of exchange will displace and drive out every other. In the same way public office will in the long run be filled by the poorest quality of men who can be made to fulfil its requirements. The people have done all it was possible for them to do by insisting that their Presidents should be men of high personal character. It was quite beyond their power to achieve that great men should be always furnished for a place which was nothing but an instrument of party politics.

An impression prevails abroad that the President of the United States has greater power than any European sovereign. This is even apparently true only in one particular, — appointments to office. But in so far as these appointments have not been taken out of his hands by civil service reform, he has to use them in strict subordination to the demands of members of his party in both houses of Congress. In all other respects his recognized power is confined within very narrow limits. In matters of legislation he has no voice whatever beyond general recommendations, such as are open to any citizen, and to which Congress pays little or no attention. In fact, that body resents anything like an expression of opinion from the President.¹

¹ Thus in 1894, when President Cleveland wrote a letter to Mr. Wilson, Chairman of Ways and Means, as to the details of the tariff, it was regarded in Congress, and to a considerable extent by the press, as an unwarrantable departure from his proper functions. In positive and direct executive action for the benefit of the whole nation, as in the case of the Hawaiian revolution, the maintenance of the public credit by the sale of bonds, the suppression of the Chicago riots, the extension of the civil service rules to a large number of the minor executive offices, Mr. Cleveland may be said to have done more than any president since Abraham Lincoln. But it was these assertions of executive independence which cost him the favor not merely of his political opponents, but of the members of his own party in Congress, and he quitted office without a word of public commendation from either side. Only in the case where

In all matters of finance neither the President nor any member of his Cabinet has any direct voice of any kind. Congress appropriates whatever money and for whatever purpose it pleases, and orders even the details of revenue and expenditure without the slightest reference to the executive, unless one of the secretaries is summoned, or chooses to appear, before one of the committees, which hears him exactly as it would and does any witness from the mass of citizens.

One example of the use which Congress makes of this power appears in the matter of salaries. Members of the House of Representatives, who spend the three winter months of one year in Washington and perhaps six months of the next, with no duties except attendance on committees and the sessions of the House, receive \$5000 a year. Senators, with hardly more duties and claiming for themselves rank and precedence next to the President, receive \$5000, while both senators and representatives receive extra payment in mileage which in some cases amounts to a considerable sum. The Speaker of the House and the Vice-President presiding over the Senate receive \$8000 each. The cabinet officers, who in the order of government should come next to the President, who have to spend the whole year in Washington, including the long and hot summer, with perhaps a short vacation, who have at least nominally the whole charge of administration and are absorbed in the exercise of arduous and responsible duties, receive \$8000. The judges of the Supreme Court, as dignified a tribunal as any in the world, receive \$10,000, except the Chief Justice, who has \$10,500. As this whole matter is adjusted by Congress at its discretion, it is need-

he was led, by whatever influences, to offer a gross insult to Great Britain, such as would not have been borne for a moment by this country from any other without prompt resentment, did he receive the unanimous support of both houses.

less to point out what this implies as to the spirit of the legislature.

The treaty-making power is also one of the supposed prerogatives of the President. But treaties require the approval of two-thirds of the Senate, and as it would be very mortifying to the President to have a treaty to which he had formally given his consent rejected by the Senate, he must be always in close communication with, and even subjection to, the Foreign Affairs Committee of that body.¹ The House, moreover, with its control of appropriations, has to be reckoned with.

The power to declare war belongs to Congress, but the President may, as Polk did in 1845 and 1846, bring affairs to a point at which it is hard for Congress to refrain from the declaration. And here is just the evil of the President's position. Of open and manly power to obtain legislation necessary for carrying on the government and for defending it or himself or the nation from the attacks of private and party interests, he has almost literally nothing. His only available instrument for these purposes is personal solicitation and intrigue with the members of the two houses. It is the process known as "lobbying," in which he stands on precisely the same footing as the promoters of private interests, or even at a disadvantage, as the jealousy of the legislature leads it not to conform to the wishes of the executive, unless for purposes of party or personal gain. The only superiority which the President possesses over any private schemer is in the use of the offices. With these he can buy support. And evil as the effect of the practice has been and is, a system of civil service reform which should entirely withdraw the power of appointment from the President would reduce him to an absolute cipher in the government. The

¹ Illustrated in the treaty with Spain, the Chairman and two other members of the Committee being on the Peace Commission.

temptation to such irregular use of power is greatly strengthened by the fact that both the President and his Cabinet are beyond the reach of Congress except by a process of impeachment.¹

In the British Parliament any member can address an inquiry at the proper time to any member of the ministry, and any act which should imply improper motives of administration would be at imminent risk of public exposure. It is precisely this public and personal responsibility which has wrought such a wonderful change since the beginning of this century in the conduct of British affairs. In the United States there is no such provision for the enforcement of responsibility. While individual members of Congress do crowd into the departments, at once dictating and demanding information in the most exasperating manner, there is no power of public inquiry into the conduct of the executive except by a resolution of a majority of either house, referred to a standing or a special investigating committee. That committee, made up on party grounds, reports after a greater or less interval, when public attention has been diverted from the subject and without any public hearing of the executive at all. These two points need to be kept clearly in view: that the President and Cabinet have no legitimate power except as mechanical agents under the direction of Congress; and that for any but very great abuse of power they are shielded from responsibility, if they keep on good terms with the leading politicians of the two houses.²

¹ Thus in the last half of 1859 and the first of 1860 Floyd, Secretary of War under Buchanan, transferred large amounts of arms and ammunition from Northern to Southern arsenals, yet no public notice was taken of it till the report of the Committee on Military Affairs in February, 1861.

² The consciousness of this failure of responsibility has doubtless much to do with the popular prejudice, which has almost reached the point of superstition, against a third term for any President. So far has this gone that while Mr. Cleveland held the office from 1884 to 1888, and after an

From these conditions it results that the public at large know nothing at all about the character or conduct of the President except what they learn from the gossip of the newspapers or the talk, public or private, of members of Congress. It is a well-established though unwritten custom, that the President shall never address his constituents, that is, the people of the nation directly, at least as to the details of public affairs, and like most unwritten customs this has a solid foundation. If the President, the nominal head of the nation and the only man chosen by the votes of the whole, should address the people, he would be obliged to have a positive policy, to tell them what he intends to do and how and why he proposes to do it. But he cannot have a policy, because he has no means of enforcing it. An intention to do anything would be wholly futile as well as any plan for doing it, because the initiative lies wholly with Congress and the President is only the instrument for carrying out whatever orders Congress may give him. It follows almost inevitably that all his utterances must take the form of requests or recommendations to Congress, which except by his use of the offices he has no more power to enforce than any citizen.

interval of four years again from 1892 to 1896, a circumstance which has never before occurred to any President, the bugbear of a third term was used to defeat the nomination of probably the best and certainly the most available candidate whom the Democratic party had to offer. It is well known that this prejudice had its origin in the refusal of Washington to accept a third nomination, which was probably owing to the scandalous quarrels between the members of his Cabinet and the outrageous abuse heaped upon the great patriot in connection with Jay's treaty. There seems to be no reason why, if the American people have secured a good servant, they should not, like any other person or corporation, keep him as long as he is useful. That would probably be felt to be true if the people had any adequate means of information as to the character and actions of the man whom they choose. But when it appears that not only the office of President but the whole organization of Congress may be to any extent, and certainly is to a great extent, used as a cloak to cover any amount of secret intrigue, the feeling is not unnatural that there should be a general house-cleaning at least once in eight years.

Because, therefore, the President, except by message to Congress, is never heard in public, either by himself or his agents, either in defence of what he wants or in opposition to what he does not want, he remains completely hidden from the popular view.

The view of the President's power here taken will not be fully accepted even in this country.¹ One writer² devotes a chapter to Absolute Power as an American Institution. He says there are but two of the leading powers of the world which represent political absolutism, enforced by one man's hand, namely Russia and the United States, and that "once elected, the President, during half the year, is the United States more truly than Louis XIV. was France." That may be true potentially, but it is not historically. Andrew Jackson set up his will against Congress in some details, and it has been the theme of constitutional writers ever since. During the Civil War we lived with the expressed assent of Congress and the tacit consent of the people under a military despotism. But what President since has attempted anything of the kind except Andrew Johnson, with results which were a sufficient warning to his successors? Mr. Cleveland's experiments were hardly more encouraging.

Mr. Baldwin adds: "Our ultimate despot is the people of the United States; but they are the knights in armor

¹ It may be said that it is flatly contradicted by the events of the year 1898. But the contradiction is only apparent. The President acted throughout as the mouthpiece of Congress. In fact, from the outset, he assumed the attitude in the Spanish question of not desiring either war or conquest, but of yielding to the wish of the country; while he looked to Congress and the newspapers as the exponent of that wish. A year before, Speaker Reed was supposed to be omnipotent in the House of Representatives. But the moment he undertook to oppose the decided will of that body, it passed over him like a locomotive.

Nor is the force of this reasoning weakened by the undisguised exertion of social and personal influence by the President with senators and others to induce them to give the lead which he was prepared to follow.

² Simeon E. Baldwin, "Modern Political Institutions."

that from generation to generation may slumber in the enchanted chambers of the eternal hills." It is precisely this gigantic force, forming the real basis of the President's power, kept uninformed as to public affairs, regarding the government with increasing distrust and suspicion, and without responsible guides or leaders, which is in danger of volcanic action. As long as President and people alike are content to regard Congress as the ruling power in the government, the grasping ambition of that body will know no bounds, though it will follow the President blindly enough if he will consent to lead in the direction of its passions and the private interests which control it. But when the impotence of Congress to govern becomes too clearly manifest, when wrath and contempt are the only feelings with which it is regarded by the people, then the real power of the President, — or of the forces which control him equally with the Tsar of Russia, — backed by the people, will make itself felt. The only thing which can avert this is a readjustment of the relations between the two branches, with public and personal responsibility on both sides.

Some quotations from another writer¹ will indicate an idea sometimes held of the President's position. Mr. Ford magnifies the office from the start.

The precautions taken by the framers of the Constitution in behalf of the presidency were so effectual that Congress was made an incurably deficient and inferior organ of the government.²

If that was so, we hold that the lawmaking power and the control of the finances have enabled Congress to reverse this situation.

As the nation develops and the people increase their qualifications for self-government, it will be seen that they will lay hold of the

¹ Henry Jones Ford, "Rise and Growth of American Politics."

² p. 55.

presidency as the only organ sufficient for the exercise of their sovereignty.¹

With the closing proposition we fully agree, but it will only be when they have lost confidence in and the disposition to submit to Congress, and openly support the President in a direct conflict with that body, involving one of two results to be discussed later.

Mr. Ford bases his view of the President's position upon

1. His command of the administrative system, including control of the offices and the initiative of administrative work.

2. His veto power.

3. The fact that by the elimination of any independent action by the presidential electors he has become the direct agent of the national popular will.

Civil service reform has taken the offices largely out of the President's control, but even at the height of his power in this respect it was clearly established that he must use the appointments to office in obedience to the dictates of party, and not for the benefit of administration or of the people at large. It is just the same with a long line of apparently arbitrary administrative acts enumerated by Mr. Ford, — the purchase of Louisiana by Jefferson, the independent treasury system introduced under Van Buren, the annexation of Texas under Tyler, tariff reform and the Mexican War under Polk, the conduct of the slavery struggle under Fillmore, Pierce, and Buchanan. All these point to the anarchy and impotence for government on the part of Congress which left the initiative open, and this was decided by party intrigue much more than by any reference to the wishes or the welfare of the people of the United States as a whole. As to executive power under Lincoln, it was a clear case of abdication of power by Congress under panic.

¹ Ford, p. 55.

With reference to subsequent presidents, Mr. Ford himself furnishes the counter argument.

Such is the strength of the office that, if he makes a sincere and resolute use of its resources, at the same time cherishing his party connection, he can as a rule carry his party with him, because of the powerful interests which impel it to occupy ground taken for it by the administration.¹

That is to say, if he will adapt his executive action to party interest, he will be left a free hand. Indeed, we may go farther than that, and say that if he conforms to the wishes and interests of Congress as a whole, without regard to party, he will meet with very little opposition of any kind. But let him undertake any policy in the interest of the people as a whole against the private and party interests which rule Congress and he will speedily come to a realizing sense of his position.

The strong disposition of Congress to extend the scope of federal duty powerfully stimulates the development of presidential authority.

The fallacy here is in substituting the word 'presidential' for a repetition of 'federal.'

That authority may emerge with startling vigor from the implications of laws enacted without any idea of producing such results. In assuming to regulate interstate commerce, Congress put upon the national administration the responsibility of maintaining interstate railroads as national highways. The significance of this never dawned upon the country until the railroad strikes of 1894 took place, when the arm of federal power was suddenly extended to suppress riot and quell disorder.²

The real extension of authority was on the part of Congress, the President being clothed with power to enforce its will, just as the colonel of a regiment or a collector of customs might have been. The establishment of the Interstate Commerce Commission shows how far Congress was

¹ p. 231.

² p. 286.

from any intention to increase the independent power of the President.

The one reply which is always made to any charge of want of power in the President is, that he has the veto and this is regarded as the palladium of our liberties. Allusion has already been made to the futility of this instrument,¹ but it is worth some further consideration. The first use of the veto in modern times was in Poland about 1652. It came to mean that any single deputy could paralyze the action of the whole Imperial Diet by the formula, "I do not permit it." What the consequences were in the fate of Poland history tells only too sadly. In Great Britain there has been no royal veto since 1707, when Queen Anne refused to pass a Scotch militia bill. The governor of an English colony may veto a bill absolutely or reserve it for the decision of the Crown. The veto given to the French king in 1789 allowed him to suspend the decision of an assembly during the current and one succeeding sessions, but a third session could pass it over his veto. The present French President has no veto except upon subordinate councils, just as the prefects have upon the decisions of local councils. The French suspensory veto of 1789 was repeated in the Spanish constitution of 1812 and the Norwegian of 1814. The Swiss executive has no veto on the acts of the Assembly, but it rests with the popular vote in the referendum. In the United States the general principle, both in the federal government and in the States, except North Carolina, Ohio, Delaware, and Rhode Island, where no veto exists, is that the executive veto may be overcome by a competent proportion of the legislature, for the most part two-thirds of a quorum, with the provision that the act shall become a law unless returned by the executive within a specified time.

¹ See Chap. III. and Chap. VIII.

It is evident that a government cannot be carried on by negatives. That the head of a great system of administration should be obliged to sit waiting till a large body of men, in no wise responsible for that administration and with each of those men separately under strong pressure from local and private interests, can come to an agreement as to the rules under which that administration shall be carried on is almost sure to condemn it to impotence. It seems obvious that the head of the administration should himself prepare the rules which he thinks necessary for his action and submit them to the legislature for acceptance or rejection; in other words, that the veto should be applied the other way.

Again, after a legislature has taken the trouble to debate and go through all the procedure of passing a bill, to have it rejected and sent back by the executive cannot fail to excite hostility and conflict between the two branches, in which the legislature, which has command of the purse, is certain to get the upper hand at least as long as peaceful methods only are employed. The French suspensory veto must have greatly increased this exasperation, as the legislature could not know during two sessions whether its perhaps hardly contested decisions were to become law or not.

The veto again is defective because it does not throw any light from the wants of administration upon the process of framing and upon the discussion of legislation. As we shall see, it leaves to the incoherence and passion, to the compromises and intrigues of the houses, the making of laws which should be free from all those conditions. In a word, the veto power is merely an illustration of the dependence of an executive upon a legislature.

The vetoes quoted by Mr. Ford in the second point of his argument above alluded to are merely temporary and partial checks. All that they indicate is that Congress

does not employ the right methods for obtaining its ends, but is compelled to adopt some others. As no policy can be enforced, so no policy can be permanently defeated, by means of the veto.

The argument for the veto may be summed up in the words of one writer: ¹ —

As parliamentary bodies are liable, notwithstanding the means of securing deliberation afforded by the experience of government, to act without deliberation, it would seem necessary that some means should be devised for the protection of important public interests in such an event, and the executive veto is the only means for that purpose that has been proved by the experience of government.

So far from this being true, not only has the veto wholly failed to accomplish this result, but an infinitely better mode of obtaining this and a great many other advantages has been devised and tested by the practice, indirectly of two centuries, but directly of one, — that of giving the whole initiative and the subsequent guidance and control of legislation to the executive, subject to its responsibility to the legislature, and, through that body, to the final arbitration of the people at large. To establish this proposition may be said to be the sole reason of existence of this work.

The third argument advanced by Mr. Ford, that the President has come more into direct contact with the people, has also lost its force. While it is becoming more and more evident that the people, if it comes to a direct struggle with Congress, are prepared to support the President, they are still under the idea that Congress is and should be the directing power of the government, and that its will must prevail. This idea is studiously encouraged by the party politicians, and their whole efforts are devoted to the control of the nominating conventions, so that the

¹ A. J. W. in the *Encyclopædia Americana, Supplemental Dictionary to the Encyclopædia Britannica*. J. M. Stoddard, Philadelphia, 1889.

candidate selected may be held in rigid subjection to party — meaning their own — demands. However any President may resist Congress in matters of detail, as to which that body does not take any decided stand, experience shows that in any important policy or assertion of power, when Congress is resolute he must yield, unless he is prepared to make a direct appeal to the people, which no President has yet done.

We will add here one or two of Professor Woodrow Wilson's conclusions, leaving those interested to examine his arguments.

The President is no greater than his prerogative of veto makes him ; he is, in other words, powerful rather as a branch of the legislature than as the titular head of the executive. Almost all distinctly executive functions are distinctively bestowed upon the heads of departments. . . .¹

But committees prefer to govern in the dark rather than not to govern at all, and the secretaries, as a matter of fact, find themselves bound, in all things larger than routine details, by laws which have been made for them, and which they have no legitimate means of modifying. . . .²

In so far as the President is an executive officer he is the servant of Congress, and the members of the Cabinet, being confined to executive functions, are altogether the servants of Congress. . . .³

Congress took command of the government as soon as it got command of itself, and no secretary of to-day can claim, by virtue of his office, recognition as a party authority. Congress looks upon advice offered to it by any but its own members as gratuitous impertinence.⁴

The real position of the President appears most clearly when there is a majority against him in both houses. It might be supposed that the minority party would bend their efforts to the support and strengthening of their official leader. So far from that, they are intent only on the promotion of their own schemes; and the means of influence at the command of the President are just as available,

¹ "Congressional Government" — The Executive, p. 260.

² *Ibid.*, p. 262.

³ *Ibid.*, p. 266.

⁴ *Ibid.*, p. 270.

subject, of course, to the effect upon the opinion of the country, with the actual majority as with his own nominal adherents. Both sides are congressmen and senators before being partisans, and are quite ready to join forces in squeezing the President as far as they dare.

One consequence of thus depriving the executive of all legitimate power was that there was no need of great men to fill the place. In fact, to put great men in it would be a waste of power. Notwithstanding the dignified character of the position, therefore, the men who were put there soon came to be of a class who could be used for quite other than the ostensible purposes. This reasoning is curiously borne out by the facts. In the first generation the presidential office was held by Washington, Adams, Jefferson, and Madison. In the second generation it was eagerly sought for by men of quite equal mental calibre, — Webster, Clay, and Calhoun, — but they all failed of obtaining it, and died disappointed. Jackson was the last President before the war who could claim any considerable intellectual power. Men like Van Buren, Harrison, Tyler, Polk, Pierce, Fillmore, and Buchanan, were the mere tools of party wire-pullers.

The rebound from this state of things was certainly very great ; but Abraham Lincoln rose on a great wave of national excitement, wholly outside of Congress. That he was able to make his greatness felt in the presidential chair was owing to the fact that Congress, which had blundered along fairly well in time of peace and while the conflict of interests in the early development of the country was still moderate, felt its own impotence when confronted by the problem of civil war, practically abdicated its functions, did obediently whatever the executive required, and handed over the government, with the tacit consent of the country, to four years of military despotism. It was a manifestation of the same principle under

which the remains of the Long Parliament gave way to Cromwell, and those of the French Convention to Napoleon, only that the elasticity and mobility of popular government allowed the process, for that time at least, to take place rapidly and peacefully, and with a power of recovery after the great struggle had passed.

And the recurrence was comprehensive. Grant lost, in his civil functions as President, most of the reputation which he had gained as a general; while Hayes, Garfield, and Arthur did not possess, or did not show, qualities above mediocrity. In one respect, however, there has been a distinct gain. While no President of the United States has ever disgraced his position by gross public misconduct, yet before the war there were Presidents who, under the influence of the slave power, committed acts which exposed them to the charge of unfaithfulness in their high office. Since that time no President has quitted the chair without carrying with him the respect of his countrymen and the world for his personal character and intentions. The fact is, that the nominating politicians, in all their scheming and intrigue, dare not present to the people of the United States any name which does not offer the guarantee of high personal character. In one attempt to do so they received a sharp and wholesome lesson.

It is intended that this work shall be kept free from party politics, but it cannot be denied that when James G. Blaine was nominated in 1884, there was a feeling, more or less widespread, that besides being a politician skilled in all the ways of his profession, he had used the high office of Speaker for purposes of personal gain. Whether it was true or not, the charge was sufficient to break the line of Republican succession, and to give to the country the first Democratic President since the war. If Mr. Cleveland acquired any reputation beyond that for per-

sonal honesty and firmness of character, it was from holding and asserting his opinions in opposition to Congress, and thereby sounding the first notes of the conflict which is impending in the future between the executive and the legislature.

The methods of selecting Presidents are quite in accord with all the rest. In the first elections, Washington, Adams, and Jefferson were the obvious candidates and accepted by general consent. From 1789 to 1800 there were no formal nominations. From 1800 to 1824 nominations were made by congressional caucuses, a perfectly natural and logical step in the process by which the legislature aims to get complete control of the executive. But the state legislatures and the local politicians, as well as the people at large, wished to have a hand in the matter, and so from 1824 to 1840 nominations were irregularly made by the legislatures and popular meetings. By 1840 this procedure had crystallized into the system of great nominating conventions, which has prevailed ever since.

Mr. Bryce has given an account of the formation and procedure of these conventions. It is certainly not exaggerated and offers by no means an attractive picture. There are, however, two things to be said about them. Their action is forced by circumstances to be built up from below and cannot be guided from above. In other words, no candidate is ever selected for what he has done or can do, but because he is available for party purposes. The principal feature of the whole government at Washington is the suppression of personality. We have seen how completely the President is deprived of all control or guidance of legislation, while even in administration he is little more than the mechanical agent of Congress. It is a perfectly colorless position. We shall see also how all individuality disappears in Congress, and how neither representatives nor senators can present themselves before

the country as having done service which entitles them to such promotion as is implied in a nomination for the presidency. All the minor considerations, therefore, which Mr. Bryce enumerates with such wonder have their place simply because the nominations must depend upon some considerations and there are no others.

Thus, in 1884, when Mr. Cleveland had been a mayor of Buffalo and a governor of New York, as good as the conditions would permit, his election nearly miscarried because of some not very unusual circumstances in his private life as a bachelor. No doubt it was a blot upon his character, but to those who know anything of government and history it must seem ludicrously disproportioned to the requirements of the case. What the governing conditions might be made appears from the second of the points above referred to, namely, that through all the turmoil and confusion of such scenes as Mr. Bryce describes, when it seems as if the nomination might depend upon chance, passion, or intrigue, and when corruption might have full sway, the fact remains that the politicians on both sides, who have most to do with managing the conventions, are well aware that to have any chance of success in the election they must select men of high personal character, and such as can meet the deliberate approval of the people of the United States.¹ The nomination, indeed, might be the result of momentary impulse, but the four months of discussion which follow, ended by a formal appeal to the ballot, form a test severe enough, thus far at least, to hold in check the forces of evil. Universal suffrage has done all it could in enforcing the nomination of good men. If it has not been able to secure great men, it is not because

¹ Even the nomination and the platform of the Democratic party at Chicago in 1896 were mainly the result of absence of leadership and of popular exasperation with the rule of party and private interests at Washington. The fault was much less with the people than with the government. Anarchy at the top is sure to be followed by anarchy at the bottom.

it does not want them but because the conditions of our public life leave no room for them, because the careful suppression of individuality at every stage gives the public no information by which it can distinguish great men from small ones, and because there is no training-ground for public men. However great a man the President of the United States might be, he has no opportunity to show the qualities of greatness. The nominations are therefore made with reference to other than such useless qualities as these.

Mr. Bryce divides the issues in a presidential campaign into personal and party. We have seen why the personal issue relates more to the private life and character than to the public policy and achievements of the candidate. There is the same want of definiteness in the party issues. The platforms of the parties and the letters of acceptance of the candidates deal almost wholly with abstract generalities. Such a cry as "the bill and nothing but the bill" would be impossible in the United States because there never is a bill. The McKinley Tariff Bill, for example, as a campaign issue, was not a bill to be carried by popular pressure, but a bill passed and actually in operation, and of which only the general principle was in question. Of its details the people knew little more than of the French tariff, because it had never been publicly debated in Congress and no man of national reputation was identified with it. McKinley was a representative from a district in Ohio whose name was accidentally connected with the bill from his chairmanship of a committee. The country had never heard of him before, and when, in 1896, he was nominated for the presidency, it was upon a wholly different issue, that of sound money, to which he bore no more personal relation than any other citizen. A tariff campaign is conducted upon the abstract and indefinite meaning of the word 'protection'; a word which of itself has a

very captivating sound. Politics instead of being guided from above are built up from below. Instead of asking the people to support known leaders who undertake to carry special measures, the country is appealed to upon general principles, and men are put forward as typical of those principles in an equally general way.

Mr. Bryce speaks of slavery, which during a generation was the chief political topic, as peculiarly fitted for emotional treatment. That emotional treatment, instead of leading to a statesmanlike plan of compromise, led straight to civil war. But the other topics which Mr. Bryce speaks of as needing now to be debated, such as the regulation of the tariff and the currency, competing plans of liquor legislation, labor questions, etc., are treated precisely in the same emotional way, though they are obviously impossible of solution in any such way. The President, so far as his election relates to public affairs at all, is merely a type of a general idea. Is it strange that great men do not find their way to the place?

Mr. Bryce regards a presidential campaign with the same mixture of wonder and amusement as all other Europeans. The amount of "organization," the number of clubs of all kinds, the immense campaign literature, the flood of oratory, the brass bands, the torchlight processions, the large sums subscribed for party purposes, the frantic exhortations of the newspapers and the milder ones of the clergy, the interruption of business, — all are described in a tone of gentle humor.

A European who stands amazed at the magnitude of these demonstrations is apt to ask whether the result attained is at all commensurate with the money, time, and effort given to them.¹

Yet his profound observation, his keen, clear, and impartial judgment cannot escape from the sound conclusion of his summing up.

¹ Vol. II., p. 175.

Although, however, the political contest does less for the formation of political thought and the diffusion of political knowledge than might have been hoped from the immense efforts put forth and the intelligence of the voters addressed, it rouses and stirs the public life of the country. One can hardly imagine what the atmosphere of American politics would be without this quadrennial storm sweeping through it to clear away stagnant vapors and recall to every citizen the sense of his own responsibility for the present welfare and future greatness of his country.¹

The fact is that a presidential election in America is not merely, as Mr. Bryce says, something to which Europe can show nothing similar. It is something the like of which has never yet been seen in the world. We have seen how in French history the whole trouble arose from the distrust, the mutual ignorance, the discord, jealousy, and dissension between classes, which were so studiously sown by the monarchs for three centuries from 1461. We have seen, further, how in England united effort in resisting the Crown and retaining control of taxation held at least the higher and middle classes together in common sympathy and action, of which the effects are felt to this day.

Once in four years the whole American people are called to turn aside from their money-getting and their personal self-seeking, to join in a struggle which is of common interest to all, but directly personal to very few. From Maine to California, from Oregon to Florida, from Wisconsin to Louisiana, one topic absorbs every household, every club, every individual, equally among the rich and the poor. A citizen of any of these places, sojourning in any other, can go out from his hotel and find the first man in the street deeply interested in the same subject which absorbs himself, and community of party forms an instant bond between them.

The London *Spectator*, in its issue of October 12, 1895,

¹ p. 185.

said, "In truth the Anglo-Saxon race has never produced a nobler and greater man than Lincoln." Almost every American will cordially agree with this, but only a few years before the war Mr. Lincoln was as little known to the world as any particular grain of sand on the seashore. The people of the North were strongly excited upon a particular question, and the managing politicians sought for a man who would meet the requirements of the situation. They will always do that, if only it is made clear what the people want. But in the absence of definite issues and of decided personalities they have no guide. They can form no idea of what public opinion is. They can only guess in what way it can be created or stimulated, and are tempted to try to mould it to their own selfish ideas and schemes. That Mr. Lincoln was able to show great qualities and to justify his selection was owing to the fact that the practice of our government was temporarily surrendered, that Congress did obediently whatever the executive wanted, and that for once we had a strong executive.¹ But as soon as the war was over, as Congress resumed its sway and the executive subsided into its former insignificance, the presidential election again became without meaning in its relation to public affairs.²

¹ It may be urged that this argument is just as good the other way. The people being purposely deceived by party politicians, or misled by imperfect information, may put an unknown man into power, with the capacity for achieving as much for evil as President Lincoln did for good. That is unquestionably true, and forms the greatest danger which threatens the Republic in the future. The safeguard is to be found in taking security that unknown men shall not be placed before the people at all; in providing that Congress and public life shall form from the outset a training school and a testing apparatus for the evolution of statesmen; that every public man shall wear upon his sleeve the evidence of wisdom in counsel and achievement in action; and that in place of practically unknown candidates forced upon the people by party politicians, public opinion shall indicate preëmptorily to the nominating conventions the only candidates whom they can put forward with any hope of success.

² The mode of doing this was strikingly illustrative of the ambition of

The other effect, however, still remained. Once a year the French and German armies assemble to the number of many thousands, at vast expense and for no immediate purpose, to keep themselves in first-class condition for their trade of killing. The elections are our autumn manœuvres. They keep the people in training for the time of need. And if they were to go on for a century apparently an empty and costly ceremony, yet if in one crisis like our Civil War they do their office in producing an Abraham Lincoln, they will have paid for themselves a hundred times over.¹

Thousands of Europeans have doubtless read with amused wonder Mr. Bryce's account of twenty-five thousand New York business men, representing vast wealth, tramping up Broadway in procession in 1884, in mud and rain but with undamped enthusiasm, singing the most unmeaning campaign songs. The array may not have been as imposing, but the motive was certainly as respectable as that of the kings and emperors who with their military hierarchy marshal their conscripts, ready at a nod of the august head to plunge into bloodshed and slaughter. The account of that procession went all over the United States. In the cities and the towns and the villages, in the workshop of the factory hand and the

a legislature. When Andrew Johnson, succeeding Mr. Lincoln, was misled by his example into supposing that the President really possessed some independence, Congress met his attempt at self-assertion by prompt impeachment. No doubt the impeachment came to nothing because there was no personal hostility to Mr. Johnson. All that the politicians wanted was to teach the incumbent of the office that, the war being over, the President must return to his position of absolute subjection to Congress. That lesson being enforced, they cared very little what became of the individual.

¹ If it is asked, How does this apply to the case of President McKinley? we reply that the difference between Abraham Lincoln and William McKinley forms the strongest and most concentrated illustration of the change which in a generation has come over our government through the operation of the forces described in this book as working upon it.

cabin of the farm laborer, it was read with pulse beating quicker from the same sentiment of pride which animated each man in the procession. "I too am an American citizen," an ideal for which, as the war showed, he is ready to give his property and his life.

The object to be arrived at is a fund of common enthusiasm in all ranks and classes, so that every citizen, instead of holding back from jealousy of those above and below him, or from apathy through consciousness of the minuteness of his individual effort, may give way to his own feelings with full confidence that millions of others will do the same. It is the spirit which makes the private in a well-disciplined and well-officered regiment stand firm in battle, because he has an undoubting faith in the steadiness of his next neighbor. Perhaps nothing during the war excited greater surprise than the unflagging determination of the mass of the people to prosecute it to the end. It was no special peculiarity of the American people, perhaps not the least heterogeneous in the world. It was that they had been trained to such work.

There is still another effect. The elections teach the twelve millions of voters that, however high excitement may seem during the conflict, yet when once the result is declared all must submit, laugh, and go back to their occupations, looking for redress if at all to a change of public opinion. Seldom has there been a greater trial of endurance than the Hayes-Tilden election, when all doubtful questions were settled by a strict party vote of eight to seven in a commission appointed for the purpose. Yet the result was accepted almost without a murmur. The effect of this habit even extended to the war. In January, 1865, large armies were in the field, supported by the government and seeking to destroy each other by every species of violence. Six months later, when peace had been declared, those armies had laid down their arms

and were making the best of their way back to the occupations of peace with hardly a feeling of resentment, certainly with no thought of revenge. A people does not do such a thing as that from a single impulse or of its own motion. It does so because it has been trained to it by a long course of preparation.

These reasons go to show further that the presidential term is not too short. It is frequently argued that this term should be extended at least to six years, that the burden is too heavy, and that no sooner is one president elected than the politicians begin to plan for the next. But if the people are to be kept in training the interval should not be too great. We shall see what powerful forces are working in the other direction to disintegrate public opinion and to throw the people back into mutual distrust, indifference, and neglect of public duty. With a new generation of voters coming every year into the field, the tonic of a presidential election cannot be said to come too often.

In a former chapter¹ we have quoted from De Tocqueville the reasons why the Assembly of 1848, in settling what he calls the most crucial question of the executive power, decided that it should be given to a single man elected by the nation. The disastrous result does not prove that the conclusion was wrong, but only that France was in no condition to provide for an elected ruler of any kind. The most beneficent effect of the twenty-five years of the Third Republic would be if it prepared the country for the transfer of the election of the President from the Assembly to the people, without involving thereby the election of a military despot.

De Tocqueville also gives the reasons for adopting the rule which is sometimes advocated in this country that a president should be ineligible for reelection. Later

¹ Chap. XI.

experience convinced him that this conclusion was wholly wrong, and he sums up the numerous and cogent arguments against it by saying that,

from the moment when it had been decided that it would be the citizens themselves who would directly choose the President, the evil such as it was was irremediable, and that it would be only increasing it to undertake rashly to restrict the people in their choice.

It has been observed that while the presidential elections as a whole are tending to raise the character of the people, other influences are tending even more positively to drag it down. These may be summed up from a political point of view in the anarchy resulting from the suppression of executive power and the absorption of all government by the legislature, a force which is certain in the long run, unless some stand is made against it, to assert its superiority over all others, at least during a period of transition. We have now to turn our eyes in that direction.

CHAPTER XVII

GOVERNMENT BY LEGISLATURE

IT is one of the great merits of the Federal Constitution that it furnishes only a framework of government without going too much into details, and has therefore been sufficiently tough and elastic to adapt itself without much formal modification to the vast social and political changes of the last century. Even the British Constitution, which is supposed to be wholly without fixed limits, has perhaps hardly undergone greater changes in its spirit and modes of operation than has that of the United States in its departure from the ideas and intentions of its framers. But this want of extending into details has also its disadvantages. The Constitution provided for a legislature, an executive, and a judiciary, but it did not, probably it could not, fix any line of division or provide for the maintenance of such a line. Many political maxims which have since grown almost to be axioms were then hardly visible even to the most prophetic eye. Then it had not been demonstrated that the problem of popular government was to turn mainly upon a struggle for power between the executive and the legislature, in which the legislature would have an enormous advantage.

Yet the consciousness of impending danger made itself apparent in many quarters. The history of colonial government was that of steady absorption of power by the legislature.

“The legislature,” says Bancroft, “was the centre of the system. The governor had no power to dissolve it or either branch. In most

of the States all important civil and military officers were elected by the legislature. The scanty power intrusted to the governor was still further restrained, wherever his power was more than a shadow, by an executive council. Where the governor had the nomination of officers they could be commissioned only by consent of the Council." He might have added that the governor himself was generally elected by the legislature; that in many states the legislature could remove any officer; that in some states these bodies held or shared the pardoning power; and, most singular of all, in five states they exercised extensive judicial powers, generally sitting as a court of last resort.¹

In the Convention of 1787 Madison said : —

Experience proves a tendency in our governments to throw all power into the legislative vortex. The executives of the States are little more than ciphers; the legislatures are omnipotent. If no effec-

¹ This extract and those following have been taken from a pamphlet on American Constitutions by Horace Davis of San Francisco, in the "Johns Hopkins University Studies in History and Political Science," third series, 1885. Mr. Davis thinks that the power of the State legislatures has been restricted and that of the executive increased till the proper balance has been restored, and that the danger in the federal government was never as great. It is needless to state that the view of the present writer is wholly different; according to which all the remedies thus far adopted have been wholly inadequate to the disease and the original evil remains to be combated in its full strength, having, moreover, with the increase of population and in the complexity of our civilization, assumed an aspect portentous beyond our previous experience.

Mr. Davis himself sounds one note of alarm : —

"Government by parties, which has become the form of our political life, has, however, brought one dangerous feature of legislative encroachment, the right claimed by Congress to determine the validity of the electoral vote of any State in the presidential election. We have had one narrow escape from civil war through this source. Such a contingency may never arise again, but so great a peril must be guarded against. If Congress can by this means make a President, the system so carefully devised to maintain the independence of the executive is broken down, and we are drifting upon the shoals so much feared by the fathers of the Constitution. The same spirit which is always ready to unseat a member in a nearly balanced House of Representatives for the purpose of increasing the working majority of the party would not scruple in a closely contested presidential election to grasp at any technicality to win the grander prize, the control of the federal government. These fears may never be realized, but they threaten the most serious invasion of the independence of the executive ever yet attempted."

tual check be devised on the encroachments of the latter a revolution will be inevitable.

And speaking of the federal government:—

Wilson of Pennsylvania was most apprehensive that the legislature by swallowing up all the other powers would lead to a dissolution of the government, no adequate self-defensive power having been granted either to the executive or the judicial departments. He foreshadowed the power of the Senate in these prophetic words: "The President will not be the man of the people, but the minion of the Senate. He cannot even appoint a tide-waiter without it."

Again in the *Federalist* Madison says with reference to the State constitutions:—

"The legislative department is everywhere extending the sphere of its activity and drawing all power into its impetuous vortex. The founders of our republics seem never to have recollected the danger from legislative usurpations, which by assembling all power in the same hands must lead to the same tyranny as is threatened by executive usurpations." . . . And he quotes from Jefferson's "Notes on Virginia" the following passage relative to the same defects in the Virginia constitution: "All the powers of the government—legislative, executive, and judiciary—result to the same legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands and not by a single one."

With reference to the President's veto Judge Story remarks:—

There is a natural tendency in the legislative department to intrude upon the rights and absorb the powers of the other departments of government. A mere parchment delineation of the boundaries of each is wholly insufficient for the protection of the weaker branch, as the executive unquestionably is, and hence there arises a constitutional necessity of arming it with powers for its own defence. If the executive did not possess this qualified negative he would be gradually stripped of all his authority and become what it is well known the governors of some States are, a mere pageant and shadow of magistracy.

We have endeavored to show that the veto has failed and must completely fail to accomplish the purpose here

set forth. One extract from a foreign observer may be added to those now given.

Smythe, in his "Lectures on Modern History," written in 1811 from an English standpoint, says, "If there results to America a grand calamity and failure of the whole, it can only accrue from the friends of liberty not venturing to render the executive power sufficiently effective, — the common mistake of all popular governments."

In considering how far these forebodings have been justified by the facts, we have to examine the structure and modes of operation of Congress, not taking into account by what historical process it came to be what it is, nor yet what under the Constitution it was intended to be, but through an analysis of the working machinery as it actually is. On the first Monday of December in alternate years, there come together in the House of Representatives 356 members — or as many as arrive — from an equal number of fractional parts of the United States. They are all precisely equal. There is no one of them who, by virtue of office, or of a larger constituency, or for any reason, can claim any precedence over the others. The nearest approach to it consists in this, that whereas from one-third to one-half the members come there for the first time, — for which good reasons will presently be shown, — some members may have been in one or more previous Congresses, may have been chairmen of important committees, or may even have filled the office of Speaker. But after all they only represent single districts like every other member, they have a plenty of rivals among themselves, and there is no reason why they should, as they almost certainly will not, receive any deference from the others.

So impotent is this body, for want of initiation or cohesion, that it can do nothing at all till it has been called to order by the clerk of the last House and has proceeded to elect a Speaker. Even then it is wholly without lead-

ers or any authoritative guidance, official or other, which can compel or enable it to go to work. That any work may be done or any business transacted it is of course necessary to make a majority, whether for the settlement of single questions in detail or for providing a working force during the session. There are two methods possible for this, — one the cement of party and the other the authority of recognized leaders. The well-known party names of Republican and Democrat are exceedingly indefinite and not marked by any distinct principles. Their reason of existence from year to year consists in the "platforms" put forward by the party conventions. These platforms consist of a series of resolutions drawn up by a committee wholly impersonal and irresponsible and of which very few persons know either the names or the origin. The resolutions are of the most general character and intended to command as much assent and as little dissent as possible. As a means of enforcing party discipline they are evidently of the flimsiest kind.

As regards leaders there can be none among a body of 356 equals, of whom every one is jealous of his position. If, indeed, any one of them held an office of marked importance he might command more or less of obedience, but there is none such unless it is the Speaker, of whom more presently. If there was any one present who owed his election to the whole nation the members from districts might be inclined to show him some deference, but there is none. The only way of getting a majority, therefore, is by a laborious process of accumulation of units. It must be built up one by one till it reaches at least the number of 179, and an unceasing vigilance is required to resist the tendency to disintegration, which is almost as great as with a house of cards or of sand.

From this state of things there has arisen by a perfectly natural evolution the two processes which are made the

heaviest ground of complaint not only against Congress but the State legislatures, namely, "log-rolling" and "lobbying." The first of these words signifies the trading of interests. Every member must want something either for himself or his constituents or his party or the public welfare, and he wants that thing not so much from a common understanding with a number of others as from his own particular point of view. Now to find out what these separate objects of members are and to secure mutual support by promising mutual aid is the work of "log-rolling," and this among such a number of varying interests and characters requires a high degree of skill. The men who to a natural aptitude for the work have added training and experience are known as "lobbyists," and they may be in or outside of Congress, and either male or female.

An interesting comparison suggested by Mr. Bryce here presents itself: —

I have mentioned the Whips. Let me say a word on this vital, yet even in England little appreciated, part of the machinery of constitutional government. Each party in the House of Commons has, besides its leaders, a member of the House nominated by the chief leader as his aide-de-camp and called the whipper in, or, for shortness, the whip. The whip's duties are: 1. To inform every member belonging to the party when an important division may be expected, and if he sees the member in or about the House to keep him there until the division is called. 2. To direct the members of his own party how to vote. 3. To obtain pairs for them if they cannot be present to vote. 4. To tell, *i.e.* count, the members in every party division. 5. To "keep touch" of opinion within the party and convey to the leader a faithful impression of that opinion, from which the latter can judge how far he may count on the support of his whole party in any course he proposes to take. A member in doubt how he shall vote on a question with regard to which he has no opinion of his own, goes to the whip for counsel. A member who without grave cause stays away unpaired from an important division to which the whip has duly summoned him, is guilty of a misdemeanor only less flagrant than that of voting against his party. A ministerial whip is further bound to keep a house, *i.e.* to secure that when government business is being consid-

ered there shall always be a quorum of members present, and of course also to keep a majority, *i.e.* to have within reach a number of supporters sufficient to give the ministry a majority on any ministerial division. Without the constant presence and activity of the ministerial whip the wheels of government could not go on for a day, because the ministry would be exposed to the risk of casual defeats which would destroy their credit and might involve their resignation.¹

Mr. Bryce finds in the caucus the nearest substitute for the English whips, but he looks upon it as a cumbrous expedient.

It is used whenever a line of policy has to be settled or the whole party to be rallied for a particular party division. But of course it cannot be employed every day or for every bill. Hence where no party meeting has issued its orders a member is free to vote as he pleases, or, rather, as he thinks his constituents please.²

But the defect is much greater than this. The caucus is a party section of the legislature. In the one case, as in the other, every member is equal and independent, inclined to resent and resist any assumed superiority. Mutual concession and intrigue in both cases are the necessary resort. The real counterpart of the English whip is the lobbyist, with, however, a marked difference. From the description above given of the duties of the whip, it appears that he is the medium of communication between the ministry and the party in the House. His work, though he is clothed with authority, is mainly formal, and he does not think of urging, of his own motion, any policy or particular legislation. The lobbyist, on the other hand, is the agent of nobody knows whom. He is clothed with no authority at all and must expect coolness and rebuff on every hand. His aim must be to enforce a particular policy and particular legislation, not as proceeding from any recognized leaders but as either desirable in itself or in accordance with the supposed principles of the party, though it is very likely that

¹ *Op. cit.*, Chap. XIX., Vol. I., p. 199.

² *Ibid.*, p. 201.

neither of these reasons represents his real motive of action. The work as carried on is neither agreeable nor respectable. While, therefore, the whip may be and probably is an honorable man, the successful lobbyist must almost of necessity be unscrupulous both as to means and ends.

And the misfortune of the case is that as lobbying is really the only method of obtaining a majority, legislation which is promotive of the public welfare and in forwarding which men are moved by public spirit or honorable ambition is thrust into the background, and the field is occupied by greedy and pushing schemers whose deeds are peculiarly suited to the darkness in which they must of necessity work.

These effects of the want of cohesion among the units of which the House is made up are greatly aggravated by the fact that every one of these units represents a separate and small fraction of the United States. There is no one of them who in any way represents or is entitled to speak for the whole. Any member, therefore, or any number of members, who undertake the task of defending the national as against private or local interests, are regarded as impertinent. 'What does this man,' it may be said, 'from a district in Maine, Wisconsin, or Louisiana, mean by interfering with us who come from Michigan, Pennsylvania, or Georgia? Who gave him authority to decide whether what our constituents want is or is not in accordance with the national interest?' And such an appeal is sure to meet with a prompt response from the other three hundred and odd members whose constituents, or some among them, have objects which they too want to accomplish. We have in this a sufficient reason why private and local interests have a constant preponderance over that of the public at large.

Once more, no member of the House has charge of or is concerned in or directly responsible for any branch of

administration. Those who do have such charge and responsibility are wholly excluded from any share in guiding legislation. Is it surprising, therefore, that legislation is framed almost wholly with an eye to party and personal interests, rather than to its effect upon the government of the country?

With such characteristics as a whole we have next to see how this unwieldy body enters upon its business. As Mr. Bryce says:—

Without some sort of organization an assembly of 356 men would be a mob, so necessity has provided in the system of committees a substitute for the European party organization.¹

It would perhaps have been more correct to say for cabinet government. But Mr. Bryce evades a direct comparison between government by a cabinet and a system of standing committees, though that comparison is the very essence of the whole matter. We will let Mr. Bryce tell the story, as there is really no American writer who can be quoted.²

When Congress first met in 1789 both houses found themselves, as the State legislatures had theretofore been and still are, without official members and without leaders. The Senate occupied itself chiefly with executive business, and appointed no standing committees until 1816. The House, however, had bills to discuss, plans of taxation to frame, difficult questions of expenditure and particularly of the national debt to consider. For want of persons whose official duty required them, like English ministers, to run the machine by drafting schemes and bringing the raw material of its work into shape, it was forced to appoint committees. At first these were few; even in 1802 we find only five. As the numbers of the House increased and more

¹ *Op. cit.*, Part I., Chap. XIV., p. 148.

² Exception should be made in favor of the very valuable work of Professor Woodrow Wilson on "Congressional Government." So far as my knowledge goes he is the first native author who has set forth the fact and the explanation that the failures of our government are owing to Congress and its methods. It is significant of the complete national ignorance of the subject that that work has not received the measure of public recognition which it deserves.

business flowed in additional committees were appointed, and as the House became more and more occupied by large political questions minor matters were more and more left to be settled by these secret bodies. Like all legislatures the House constantly sought to extend its vision and its grasp, and the easiest way to do this was to provide itself with new eyes and new hands in the shape of further committees.¹

There were in the Fifty-fourth Congress fifty-six of these standing committees. It should be observed that of the 356 members each one may, if he pleases, offer 356 bills and upon any subject, whether vital questions of finance, either revenue or expenditure, or upon matters of legislation which concern only individuals. In fact, from ten thousand to twenty thousand bills and resolutions are so presented at every Congress. Every one of these bills is referred to a standing committee, and there is often a contest, to be decided in case of need by the House, as to which committee it shall go to. The Committee on Appropriations and, in a less degree, the Committee of Ways and Means, have certain advantages in forcing consideration of their reports, but otherwise the committees, like the members, are precisely equal and must depend upon skill of management for any chance of success with their schemes. The committees are not wholly made up from the party majority. There is always a minority of the opposite party, the effect of which is to diminish greatly party responsibility for any measure.

In the British Parliament the first reading of a bill turns upon granting leave for its admission. The second reading involves the acceptance or rejection of the principle contained in it, and it then goes to a committee of the whole, which, after discussing it in detail, reports it back to the House for the final test of a third reading. In our Congress the first and second readings are granted at once as a matter of course and without debate, since

¹ *Op. cit.*, Vol. I., Chap. XV., p. 151.

there would be no time to discuss the immense number of bills presented.

It must be observed again that no business whatever has been prepared before Congress meets. Instead of having certain measures ready to be laid before the House for its consideration as soon as it comes together, that House has for weeks, perhaps for months, nothing whatever to do.¹ The bills and resolutions offered have to be worked up by the committees, which, unless there is some emergency commanding the immediate assent both of the committees and the House, is a matter of no little time. The work of the committees is done practically in secret. No doubt public hearings are given, when anybody is supposed to have the privilege of being heard, and where the members of the Cabinet and other administrative officers are sometimes invited or admitted to speak and to be questioned. But these are forms. The real discussions and deliberations of the committee are with closed doors. Two facts are to be kept clearly in mind: that the members of the committees like all of the House represent their districts only and not the nation, and that they are not at all responsible for the effect of what they may do upon administration.

Again, a principal object of all the committees must be as much as possible to avoid public debate. In the first place, even if their motives are of the purest, their reports are the result of more or less strenuous conflict among their members, ending generally in a compromise which is not fitted to bear the strong light of debate, a conclusion which is much more probable if there has been any mixture of such other motives as have been indicated above. Moreover, the multitude of the committees and of their

¹ As Mr. Bagehot observes in his "English Constitution," "If you get the ablest body of men together and give them nothing to do they will quarrel about that nothing."

reports, and the fact that these, as the work upon them is not begun till after Congress meets, must be delayed until late in the session and perhaps are further postponed with intention,—these things render anything like effective debate impossible. There are two apparent exceptions in the case of the Ways and Means and Appropriations committees, and it is significant that the committee on expenditure is given a much more decided right of way than that upon revenue. These two committees, and especially the former, are generally allowed to command the time of the House at their pleasure.

Upon all fiscal questions Congress acts with considerable deliberation and care. Financial legislation usually, if not always, occupies by far the most prominent place in the business of each session. Though other questions are often disposed of at odd moments, in haste and without thought, questions of revenue and supply are always given full measure of debate. Appropriation bills have, however, a much higher privilege than have bills affecting the revenue, and instances are not wanting in which the chairman of the Committee on Appropriations has managed to engross the time of the House in the disposal of matters prepared by his committee to the entire exclusion of any action whatever on important bills reported by the Committee of Ways and Means after the most careful and laborious deliberation. His prerogatives are never disputed in such a contest for consideration between a supply and a revenue bill, because these two subjects do not under our system necessarily go hand in hand. Ways and means bills may, and should be, acted upon, but supply bills must be.¹

But even in these particulars debate loses its force because there is no striking personality in whom the country takes an interest; because the chairman, who is sometimes called the leader of the House for the time being, speaks not for himself but for his committee; and because nobody connected with the government of the country has any share in the discussion.

¹ Woodrow Wilson. "Congressional Government," p. 183.

It should be remarked in this connection, moreover, that much as Congress talks about fiscal questions, whenever permitted to do so by the selfish Appropriations Committee, its talk is very little heeded by the big world outside its halls. The noteworthy fact to which I have already called attention, that even the most thorough debates in Congress fail to awaken any general or active interest in the minds of the people, has had its most striking illustrations in the course of our financial legislation, for though the discussions which have taken place in Congress upon financial questions have been so frequent, so protracted, and so thorough, engrossing so large a part of the time of the House on their every recurrence, they seem, in almost every instance, to have made scarcely any impression at all upon the public mind.¹

We have considered in a former chapter² the analogous system of bureaux in the French Chamber and its corresponding effect in suppressing the executive and bringing anarchy into the government. But the system differs radically in the mode of appointment. In France the bureaux are selected by lot, and each sends an elected member to one or more of the commissions which examine any subject. It seems a much less efficient method—and it does not involve other and far-reaching consequences—than the American one of having all standing committees made up by appointment through the Speaker.

The Speaker's privilege of appointing the standing committees is nearly as old as Congress itself. At first the House tried the plan of balloting for its more important committees, ordering, in April, 1789, that the Speaker should appoint only those committees which should consist of not more than three members; but less than a year's experience of this method of organizing seems to have furnished satisfactory proof of its impracticability, and in January, 1790, the present rule was adopted, that "all committees shall be appointed by the Speaker, unless otherwise specially directed by the House."³

To English-speaking peoples the word 'Speaker' suggests two great officials—the presiding officers of the British House of Commons and of the House of Representatives

¹ Woodrow Wilson, *op. cit.*, p. 184.

² Chap. XV.

³ Woodrow Wilson, *op. cit.*, p. 104.

at Washington. We have examined in another chapter the position of the Speaker of the House of Commons, an officer who from the moment he is elected is supposed to give up all thought of party, to identify himself with no policy or measure or ministry, but to give all his energies to enforcing the rules and preserving the traditions of the House. He is expected to use absolute impartiality, especially in the protection of the minority, which every incumbent for a century has done so successfully that he has held the office for several parliaments and through all changes of party, receiving when he has retired the cordial thanks and praise of both sides. Indeed, Mr. R. F. Palgrave, in the *North American Review* of December, 1895, says :—

The Speaker is not only the maintainer of the privileges of Parliament, but the special guardian of the public purse. He rigidly enforces the rules which fasten the initiative of expenditure upon the shoulders of government and which impose delays upon the passage of a money bill. I have heard a Speaker, though the suggestion was made solely for the convenience of the House, firmly resist an appeal from the prime minister for a slight infraction of the rule which retards the progress of a money bill.

But his position in presiding over debate covers only the smallest functions of the Speaker of the House of Representatives. Every deliberative body must have a presiding officer as a condition of getting any business done, and the first requisite of success is that he shall be wholly impartial and not take sides with any fraction of the assembly. There is no need to go to the British Parliament for an example, as they may be found in abundance in the moderator of the New England town meeting. But the moment that presiding officer becomes perhaps the bitterest partisan in the whole body, whatever may be his other merits, he becomes totally unfitted for his proper function, and will not only lose the respect of the

body but will quickly efface the traditions which preserve its dignity and decorum. This result must inevitably follow sooner or later from the absolute power given to the Speaker of the House of Representatives in the appointment of the committees.

It must always, of course, have seemed eminently desirable to all thoughtful and experienced men that Mr. Speaker should be no more than the judicial guide and moderator of the proceedings of the House, keeping apart from the heated controversies of party warfare and exercising none but an impartial influence upon the course of legislation, and probably when he was first invested with the power of appointment it was thought possible that he could exercise that great prerogative without allowing his personal views upon questions of public policy to control, or even affect, his choice. But it must very soon have appeared that it was too much to expect of a man who had it within his power to direct affairs that he should subdue all purpose to do so, and should make all appointments with an eye to regarding every preference but his own; and when that did become evident the rule was undoubtedly retained only because none better could be devised.¹

Follow for one moment the links of the chain. The Speaker is elected by a party majority, being himself one equal member of that majority. When elected, he has the sole and absolute power of making up the standing committees, although all important nominations to executive office by the President must be confirmed by the Senate. The places on these committees are objects of desire, and on the more important ones of keen and eager competition, though it is difficult to see why, as they confer neither power nor reputation, even upon the chairman, unless temporary and in a very slight degree, while the prospect of advancement attached to them is so small as not to be worth considering. On the other hand, they offer very great opportunities for illegitimate gain. From these considerations it follows that the only men of real ability who will seek them will tend to combine with that

¹ Woodrow Wilson, *op. cit.*, p. 105.

ability an absence of scruple. Such as the places are the Speaker is compelled to distribute them among his party supporters, mainly in proportion to their influence. But he cannot be a cipher in their hands. None but a strong man can rule a House of 356 men, who, if not turbulent like the French Chamber, are disorderly and undisciplined.

The committees thus made up have almost full control of legislation, and work in secret with, as has been shown, an almost overwhelming temptation to use it for party rather than public purposes. When they make their reports, the Speaker, for the same reasons which guided him in making up the committees, is bound to use every means in his power to force through the schemes of his party friends; a power which is enormously increased by the absence of anybody representing the whole country or the administration of the government. Of course, from the nature of his office he is compelled to make a show of impartiality, which, however, only increases the tone of falsity and pretence which characterizes the whole procedure of the House from the start. As a means of aiding the Speaker in his real purpose there has grown up a complex set of rules which have the effect of a glove of silk to conceal the hand of iron.¹

Of course, the minority, smarting under such oppression, resort to all the parliamentary tricks known under the general name of "filibustering," to stave off their impending fate. And this, in the hands of men who by generations of practice have become most finished experts in the work, has been sufficient to reduce Congress practically to a condition of impotence. This state of things reached a crisis in the Fifty-first Congress which made the reputation of the then Speaker, Hon. Thomas B. Reed of Maine. The two remaining weapons upon which the

¹ For the effect of these rules, see Wilson, "Congressional Government," pp. 61 *et seq.*

minority relied under the increasing weight of the rules were dilatory motions and the absence of a quorum. Under the old rules of the House, a quorum consisted of a majority of those present and voting. The sergeant-at-arms might compel the attendance of members but he could not compel them to vote. Mr. Reed announced his intention to include in the count of a quorum all the members whom he could see present, whether they voted or not. He further refused to entertain any motions which were evidently dilatory, taking upon himself, of course, to decide what motions were of that kind. After that matters went more smoothly, if not pleasantly, and the tyranny of the majority, in the House at least, found but little check. The Nemesis seems to lie in the disgust of the country with the unbridled license of its action.

Does it not seem difficult to devise a system more suited at every step to produce corruption both rapid and deep? If, as the evidence seems to show, there is but little direct corruption in Congress, it is a weighty testimony in favor of the universal suffrage of the country, which for Congress after Congress can keep the members straight under such circumstances of temptation.

The Senate of the United States has been upheld as one of the most dignified bodies in the world, and as forming the conservative and steadying element in the government. But the logic of facts has, of late years, enforced doubts as to the soundness of this view. We have seen that the House of Representatives is surrounded by corrupting influences which tend steadily to lower its character, and that those influences are only partially kept in check by public opinion expressed through universal suffrage. We shall see later on that the State legislatures are even worse than Congress in this respect, and have fallen, and are falling, distinctly below the average of public opinion. The necessity and the absence of leadership both tend to

throw these bodies under the control of men skilled in political combination and intrigue, while the demand for any special qualities, especially in communities as mobile as ours, will always bring to the front men who possess those qualities in the highest degree. Now the highest place in the gift of the legislature is that of United States senator, and the occupant of the latter place is therefore pretty sure to be an accomplished master in all the intricacies of State politics. Such names as Quay, Gorman, Cameron, Hill, and Platt will give an idea of the power wielded by senators in their respective States.

It might be thought that the office of governor is, in many respects, as desirable as that of senator, but the former office is not in the gift of the legislature, but, at least nominally, in that of the people. The candidates for the governorship are indeed nominated by conventions manipulated by politicians; but, after all, the people have to be reckoned with.¹ It may be said, therefore, in a general way, that the governors of States are likely to be men of higher character, but of less ability, than United States senators. This reasoning will be much strengthened if it shall appear that the legislature is not merely the most powerful branch of the government, but more powerful than the people themselves, of whom it is by no means always representative or to whom always responsible. Office-holders, elected by the legislature, are likely to wield more power than those elected by the people.

The term of a senator, being six years, is longer than that of any elected officer of the federal government, or than that of any member of any State legislature or executive. He is, therefore, correspondingly independent. As the legislature, however, upon which he must depend for

¹ The late Jay Gould is said to have cynically observed that it did not pay him to try to buy the electors. It was easier and cheaper to buy the legislators after they were elected.

reëlection, is a wholly different body from that to which he owed his first term, he must, if he desires reëlection, keep a tight hold of State politics. As the Senate is renewed only by thirds in every two years its life never terminates as that of the House does with each Congress, but new-coming senators are speedily imbued with the spirit and trained in the traditions which are handed down in this permanent body. Being thus much better equipped than the House in the struggle for executive power the Senate is still farther strengthened by two attributes: the confirmation of the most important appointments to office by the President, and its share in the treaty-making power. The Senate is therefore by far the most powerful branch of the government. To one who watches its proceedings the members appear like feudal lords, manifesting a certain degree of fear and respect towards each other, but defiant towards all the world besides.

It may be said without exaggeration that the United States Senate is coming gradually and every year more and more to be made up of men who, not necessarily possessing any qualities of statesmanship or any knowledge or experience of the conduct of government, have developed one talent amounting to genius, — that of manipulating, not to use the harsher term ‘corrupting,’ State legislatures. When a professional politician, under the stimulus of the keenest competition, has carried this art to the highest point so far reached — though it is capable of indefinite evolution — the reward he seeks is a place in the United States Senate. Of course, in such hands, men who have reached the Senate for any other reasons are soon forced to give way under what is called the duty of supporting the party. And so it goes on till the culmination shall come in a battle of the giants, the selected champions in the science of political manipulation. What, meantime,

becomes of the public interest it is not difficult to conjecture.

The organization of the Senate is much like that of the House, that is, all the members are precisely equal. There is no leader or guide clothed with any authority or to whom they are disposed to show any deference. In fact, they are much more jealous than the members of the House of their prerogatives as representatives of equal States. The fact that it is 'Hands off!' in all matters relating to their own States makes senators all the more disposed to leave a free hand to their fellow-members from other States. "The courtesy of the Senate" is a euphemistic and high-sounding phrase, which has grown up to express the careful avoidance among these equal potentates of any interference with each other's privileges, whether in appointments to office or otherwise in their respective States, and this with very little regard to the degree of detriment which the public interest may thereby suffer.¹ Log-rolling is accordingly even more characteristic of the Senate than of the House, though "lobbying" is probably less so, because senators, from the conditions of their office already indicated, are much more fitted than members of the House to do the work for themselves.

The Senate, like the House, works by means of standing committees. We have seen how any member of the House can introduce any number of measures; how all these measures are referred in mass to the standing committees; how the committees working without any effec-

¹ This is probably the explanation of the extraordinary attitude of the Senate towards the free coinage of silver. It is of great importance to the silver-producing States. It is not of special and separate importance to the other States. Therefore, the habit of supporting other States in their local wants in the expectation of a return in kind, in other words, "the courtesy of the Senate," is strong enough to overcome all sense of detriment to the country at large.

tive publicity are subjected to immense pressure from private and party interests; how in the discussion and framing of legislation no person is admitted to take any effective part who can claim to represent the whole country, or is in any way responsible for the administration of the government; and how, when the committee reports are submitted to the House, it is practically impossible that there should be any debate, either intelligent in itself or of a kind to inform the country as to the character of measures and the motives of men. If now we consider that this procedure is almost exactly duplicated in the Senate we can imagine the confusion and uncertainty, the total absence of any consistent plan or continuity, the incoherence and impracticability of legislation, which must result from two bodies working in this way.

If the Senate has an advantage in the confirmation of executive nominations and the treaty-making power, it may seem that this is, to some extent, offset by the exclusive right on the part of the House to originate bills for raising revenue. But the Senate has known how to overcome this also. All such bills sent by the House to the Senate may be altered or amended by the latter at their discretion, and must then go back to the House for consideration. If the House refuses to concur, a conference committee is appointed of a small number of members from each body. By postponing the return of bills till near the close of the session and placing their most experienced members on the committee, the Senate is likely to have the best chance of getting its own way.

There are two important particulars in which the Senate differs from the House. It forms the standing committees by election instead of having them appointed by the presiding officer, and it has never made use of the previous question or similar expedients for closing debate. The effect of these things upon legislation will be consid-

ered later. The cause of this difference is the immediate object of interest, as showing the effect and importance of different modes of organization. The House is presided over by a Speaker elected by a majority of the members. As that majority can elect a Speaker who will be the obedient instrument of its will, and as the object of that majority is present power without much thought of future effect upon principles of government, it does not hesitate to arm the Speaker with the power of making up the committees, and with whatever rules may be necessary to cut off debate and to force the minority to submit to its will. When the party minority becomes a majority in its turn, it is more than willing to adopt the weapons which have been forged for it by its opponents.

It is commonly said that the reason why the Senate has never adopted these features of the House procedure is, that it is a smaller and more dignified body, and tends to preserve the traditions of mutual courtesy and greater freedom of debate. But experience shows that this is almost as inconvenient in a body of 90 men as in one of 360, and, moreover, that the Senate is quite as skilled in, and as ready to avail itself of, political tricks as the House is. The real reason is that it is presided over by the Vice-President of the United States, who is elected, like the President, by the whole country, is wholly extraneous to and independent of the Senate, and cannot be converted into an instrument of the party majority. If by any change the Senate was allowed to choose its own presiding officer by a majority vote, it is safe to say that it would not be long before he would have the power of making up the standing committees, and that the rules of the Senate would provide for the suppression of debate and of the minority almost as completely as the rules of the House. It may serve the purpose of illustration to say that the Massachusetts Senate consists of 40 mem-

bers as against 240 in the House, that the president of the Senate, elected by majority vote, has the appointment of its standing committees, and that the exercise of the previous question or its equivalent is not unknown.

On the other hand, as the presiding officer has no authority or control over the Senate of the United States, and as there is nobody representing either the country as a whole or the administration of the government to exercise any other authority, that body has fallen into complete anarchy. The first meeting in extra session of the Fifty-fifth Congress furnished a notable illustration of the effects of organization. In the House, under the iron rule of Mr. Speaker Reed, was passed within two weeks the so-called Dingley Tariff Bill, perhaps the worst of the kind the country has ever had, and widely believed to be an adjustment in favor of powerful private interests which had advanced campaign funds for the Republican party. It was of great length and complexity of detail, yet two-thirds of it were never discussed at all, and the remainder in the scantiest and most superficial manner. The despotism of the Speaker went so far that, though there were more than fifty committees of the new Congress to be made up, he refused to appoint more than two or three of the principal ones, thus suspending the whole business of the House, and compelling it to a continuous adjournment for a few days at a time. It was a tyranny of the majority such as has never been surpassed in this country.

In sharp contrast to this picture the Senate spent two months in trying to get its committees elected by a process of compromise, and as much more time in excursions into a great variety of subjects, but chiefly foreign affairs. In this way it kept the tariff delayed by an appearance of debate for a further time, when the matter was finally settled on July 24 by a conference committee of eight members from each house representing the very essence of

bargain and intrigue. During all this time the business of the country was kept in an agony of uncertainty. Immense imports were hurried forward of articles on which the duties were to be raised if the new tariff passed, and the House, in exasperation that commerce should attempt to take care of itself, threatened to pass a retroactive clause by which the act was to include goods ordered from abroad months before.

How completely the Speaker, apparently so powerful, is the slave of the majority appeared in the spring of 1898. Mr. Reed was a pronounced and determined opponent both of the war and of the annexation of Hawaii, but the majority swept him aside with contemptuous indifference.

Much light will be thrown upon the points here noticed—as well as others to be subsequently discussed—by a quotation from another writer:—

The House is not as strong and influential now as when Congress first met. Its highest prerogative, which the framers of the Constitution regarded as the foundation of its authority, has been relinquished. Madison remarked: "The House of Representatives can not only refuse but they alone can propose the supplies requisite for the support of the government." In our time the spokesmen of the House plead its impotence as its excuse. At the close of the second session of the Fifty-fourth Congress the chairman of the Appropriations Committee, reviewing the work of the session, declared that "the General Deficiency Bill in recent sessions as it leaves the House, providing for legitimate deficiencies in the current appropriations for the support of the government, is transformed into a mere vehicle wherein the Senate loads up and carries through every sort of claims that should have no consideration by either branch of Congress except as independent bills reported from competent committees." He confessed that "the appropriations are in my judgment in excess of the legitimate demands of the public service." But he contended that this condition of affairs was not the fault of the party in power. "It is the result of conditions accruing out of the rules of the House and out of the so-called courtesies of the Senate, together with the irresponsible manner in which the executive submits to Congress estimates to meet expenditures for the conduct of the government." Admissions almost as abject as these are frequently made in the House.

In its final development the committee system has completely destroyed the control of the houses over the national finances. Down to the year 1865 something of the nature of a budget existed, from the fact that all revenue and all appropriation bills were referred to the Ways and Means Committee. All the great revenue measures and all the vast appropriations required by the Civil War were reported by that committee. But in 1865 the committee on Appropriations was created and that branch of legislative business was transferred to it from the Ways and Means Committee. In 1880 the Agricultural Appropriation Bill was taken over by a committee of that name, and in 1883 the practice of having the River and Harbor Bill reported by a distinct committee was begun. In 1885 the wholesale distribution of the powers of the Appropriations Committee amongst other committees took place. The Army Appropriation Bill and the Military Academy Bill were turned over to the committee on Military Affairs, the Diplomatic and Consular Appropriation Bill to the committee on Foreign Affairs, the Post-office Appropriation Bill to the committee on Post-offices and Post Roads, the Naval Appropriation Bill to the committee on Naval Affairs, and the Indian Appropriation Bill to the committee on Indian Affairs. But six of the fourteen great annual appropriation bills remained in charge of the committee of Appropriations, the remaining appropriation bills, eight in number, being turned over to seven other committees. Mr. Randall, who was chairman of the Appropriations Committee when its powers were thus mutilated, told the House at the time: "You will enter upon a path of extravagance you cannot foresee the length of or the depth of until we find the treasury of the country bankrupt." In ten years his prediction was fulfilled. The distribution of the appropriations made just so many additional points upon which local interests could mass their demands. The total appropriations (exclusive of pensions) for the decade 1887-96, as compared with the decade 1877-86, show an increase of \$688,489,376. The appropriations had increased 46.43 per cent while the population had increased 24.85 per cent. All sense of proportion between income and expenditure has been lost. The Fifty-third Congress, although well aware that the revenues of the government were inadequate to meet such an expenditure, voted appropriations amounting to \$989,239,205. At the same time it refused to enable the government to borrow money to meet the obligations which Congress had so profusely created, and the government had to use the authority conferred upon it by an old statute not made for such an emergency and not suited to the occasion. Bonds of longer term and higher interest rate than were at all necessary had to be sold to enable the treasury to meet its engagements. The Fifty-fourth Congress, without having done anything to increase the revenue, increased the appropriations to over one billion of dollars. Never were

the exactions of local interests so monstrous as during this period. The largest River and Harbor Appropriation Bill ever reported in the history of the country was passed by the House without debate, and it was eventually passed by Congress over the veto of the President by a confederation of interests embracing members of all parties. To preserve the treasury from the bankruptcy prepared by Congress, government bonds to the amount of \$262,000,000 were sold. The blame of this shameful situation was bandied from one party to another, but there was a common agreement that it was a matter beyond the power of Congress to control. The House is not oblivious to the shame of its situation, but such is its subserviency to local interests that it is unable to practise any self-control. The best it can do is to put it out of its power to act at all by surrendering its liberty of action in cases where party interests make it necessary to impose restraint. From this condition of affairs has emerged the strangest system of control ever generated in political procedure — an absolute discretionary negative upon action vested in the Speaker. This authority has grown up from force of party necessity and is extremely simple and absolute in mode of exercise. The Speaker simply refuses to recognize a member who has a proposition to make that is not acceptable to the Chair. This authority, which was to a large extent exercised by many preceding Speakers, reached its full development under Speaker Carlisle, and he made it an effectual interdict upon legislation calculated to obtain the support of local interests in a way antagonistic to his party policy. Subsequent Speakers have exercised the same power quite as absolutely. It has become the practice for members to petition a Speaker to permit the House to consider its own business, and the Speaker does not hesitate to disregard such petitions even when signed by enough members to remove him from the chair and elect another in his place. Such an anomaly can be explained only by the fact that members value the protection thus afforded against a pressure of local interests injurious to the general welfare or to the national party organization.¹

Note the downward steps. At first one committee, even though composed of a few local representatives, and wholly irresponsible for administration, was bound to adjust expenditure to income. Next, by means of two committees, expenditure is cut loose from income. Then there are eight separate committees, existing solely to see that their departments get enough money, without

¹ H. J. Ford, "Rise and Growth of American Politics," Chap. XX.

knowing or caring where it comes from. If the character and fate of governments are dependent on the conduct of their finances, what is to be expected from such a system as that?

Could there be a more powerful picture of the anarchy resulting from government by a legislature? Unless remedied by the establishment of strong and responsible executive power, it must lead just as certainly as the Long Parliament in England or the National Assembly in France to military despotism.¹

¹ In Chapter V. we have pointed out how in the British Parliament all financial proposals, whether of revenue or expenditure, must emanate from the ministry, no private member having any such power. Section 54 of the British North America Act of 1867, providing for the government of Canada, says:—

“It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been recommended to that House by Message of the Governor-General, in the Session in which such Vote, Resolution, Address, or Bill is proposed.”

It is evident what a vast difference such a restriction must make, not only in the finances, but in the whole government of a country. Observe, further, that it was imposed, not for any advantage to the mother country, of which there is obviously none, but because the British ministry and Parliament thought that it was necessary for the good government of Canada.

CHAPTER XVIII

GOVERNMENT BY LEGISLATURE (*Continued*)

THE effects of the organization and methods of operation of the government which have been described may be considered from two points of view: First, their action upon the character and the quality not merely of the men who seek and obtain situations in public life, but also upon the character and the conduct of the voters who are supposed to have the regulation of that public life; and second, their action upon the work of government, both as regards legislation and administration.

As far as two branches of the federal government are concerned, the executive and the judicial, the people of the United States pronounce directly only as to two individuals, the President and the Vice-President, of whom the latter may for the present be left out of the account. All the other offices, from the highest to the lowest, are filled directly or indirectly by appointment of the President, subject to control, to greater or less extent, directly by the Senate and indirectly by the House. The actual and the possible advantages of the presidential election have been pointed out, and also that these advantages have been almost counterbalanced by other influences tending in the opposite direction. In the legislative branch the people also elect one individual directly, a member of Congress from each district; and two indirectly, senators through the legislature. What are the conditions prerequisite to the election as members of Congress of men of the best ability and highest integrity of character?

Nine persons out of ten would answer at once, Intelligence, purity of purpose, and a sense of duty on the part of the voters. But those are only a part of what is required and a secondary part at that. Before them comes the question whether the offices are of such a nature that men of integrity and ability are willing to seek and accept them or are repelled by them to an almost prohibitory degree ; or whether, on the other hand, those offices present attraction and large opportunities to men of bad character and inferior ability. It does not follow because a man is called senator or representative that he is therefore entitled to or receives honor. "The rank is but the guinea's stamp." It is the manner not merely in which he fulfils but in which the circumstances allow him to fulfil the duties of that office, which form the real test of his manhood. Another question is whether the conditions of public life are such as to give to the voters the means of readily testing the character and ability of the men to whom they have given their votes.

It must be remembered that the majority and the best part of the voters are exceedingly busy in providing for themselves and their families ; that they have very little time and still less inclination to study the details of politics ; that apart from very broad and strong abstractions such as patriotism or party it is only personality presented in a strong light which can move them, and, moreover, unless their passions or interests are directly involved, presented from the moral side of right or wrong.

To test these conditions let us follow the career of a member of Congress. In some district of exceptionally good population the nominating convention selects a man of high personal character and antecedents and he is duly elected. He goes to Washington full of good intentions and accompanied by the best wishes and expectations of his constituents.

The newly elected member entering the doors of the House for the first time, and with no more knowledge of its rules and customs than the more intelligent of his constituents possess, always experiences great difficulty in adjusting his preconceived ideas of congressional life to the strange and unlooked-for conditions by which he finds himself surrounded, after he has been sworn in and has become a part of the great legislative machine. Indeed, there are generally many things connected with his career in Washington to disgust and dispirit, if not to aggrieve, the new member. In the first place, his local reputation does not follow him to the federal capital. Possibly the members from his own State know him and receive him into full fellowship, but no one else knows him except as an adherent of this or that party or as a newcomer from this or that State. He finds his station insignificant and his identity indistinct. But this social humiliation which he experiences in circles in which to be a congressman does not of itself confer distinction, because it is only to be one among many, is probably not to be compared with the chagrin and disappointment which come in company with the inevitable discovery that he is equally without title to weight or consideration in the House itself. No man, when chosen to the membership of a body possessing great powers and exalted prerogatives, likes to find his activity repressed, and himself suppressed, by imperative rules and precedents which seem to have been framed for the deliberate purpose of making usefulness unattainable by individual members. Yet such the new member finds the rules and precedents of the House to be. . . .

Often the new member goes to Washington as the representative of a particular line of policy, having been elected, it may be, as an advocate of free trade or as a champion of protection; and it is naturally his first care upon entering on his duties to seek immediate opportunity for the expression of his views and immediate means of giving them definite shape, and thrusting them upon the attention of Congress. His disappointment is, therefore, very keen when he finds both opportunity and means denied him. He can introduce his bill, but that is all he can do, and he must do that at a particular time and in a particular manner. If he supposes, as he naturally will, that after his bill has been sent up to be read by the clerk he may say a few words in its behalf, and in that belief sets out upon his long-considered remarks, he will be knocked down by the rules as surely as he was on the first occasion when he gained the floor for a brief moment. The rap of Mr. Speaker's gavel is sharp, immediate, and peremptory. He is curtly informed that no debate is in order; the bill can only be referred to the appropriate committee.¹

¹ Wilson, pp. 61 *et seq.*, which see for an amusing account of the process by which under the rules all members are reduced to the dead level of uniformity.

Finding himself thus excluded from all influence in the House itself, and urged by duty and conscience, the new member will very likely try to accomplish something with the committees or even with the Speaker. If this something is in the line of special advantages to any or all of his constituents, he will meet with more or less of consideration, because that is a bond of sympathy with every other member and is felt to be quite within his right. Or if, again, he has anything to offer which promises to be of advantage to his party, he may obtain a respectful hearing. But if he takes his stand on the ground of national or public interest, and attempts to set up that against the schemes which he sees going on about him, he will soon find that his interference is regarded as impertinent and that his efforts are baffled at every turn. We will suppose, however, that he brings from home reputation enough to be appointed on an important committee, though this is extremely unlikely to result from any personal qualities of high character and ability but is much more dependent upon the degree of his knowledge and skill in local politics. It may happen, indeed, that he is engaged in a particular trade or profession and gets the appointment from his supposed knowledge of its wants which may be by no means identical with the public interest. But from whatever cause he gets the place, and though he may give his whole time and the hardest and most disinterested labor, he can derive no personal credit for the result. That is the work of an impersonal committee of which he is only one member. Even the chairman, whose name is usually attached to the bill reported, is not specially identified with it, his reputation depending much more on the skill displayed in piloting the bill through the House than upon the character of it. Our member, in his anxiety to do something in return for the honor and the salary which his

constituents have conferred upon him, may give a great deal of time and thought to a speech upon the subject which especially interests him and perhaps them. He cannot deliver it in the House, unless perhaps on a Saturday when nobody is present or at some time when neither that nor any other business is specially on hand, but he can get leave to have it printed in the Congressional Record and send copies to his leading constituents. Everybody knows, however, that such a speech is absolutely in the air, and has little more effect on government policy than a reading of the Ten Commandments.

At the end of the session the member returns home with a mortified consciousness of having neither said nor done anything to which he can appeal as a justification for his election. It may be that he is invited to address a meeting of his constituents with a general idea of giving an account of his stewardship. But he has nothing to say. To explain why he has been able to do nothing would be to exculpate himself by attacking the government of the country, which would be regarded as at once invidious and useless. All that he can do is to defend the conduct of his party, and the conduct of neither party has of late years been such that a man of honor and ability cares to take a very strong stand on behalf of it. His constituents, therefore, while retaining respect for his character, conclude that he has not much political aptitude and so turn their attention to finding some other man of equally good character who can obtain better results, the result which he does obtain being in fact precisely the same.

We will turn next to an instance of a different kind. A young man leaves school or college with an ambition and intention to devote himself to politics, perhaps with aspirations of the best description. A short experience makes clear to him, and more quickly in proportion to

his ability, that success is not to be obtained by public service but by judicious appeals to personal influence and by skilful manipulation of caucuses, primary meetings, and nominating conventions. His first achievement is, perhaps, election to the State legislature, and the lesson which awaits him there will appear when we come to that subject. If he fails to learn that lesson he will probably return to private life, as there is an abundance of eager competitors. If he is equal to the work his next attempt will be for Congress. Arriving there he is not at all disconcerted by the reception he meets with. The idea has long since been taken out of him, if he ever had it, of accomplishing anything for the public welfare or of distinguishing himself or his district by his attitude towards public policy or statesmanship. His first care is to promote the special wants of his district—including particular attention to making his efforts known at home—and at the same time to forward, though not always with the same publicity, the private schemes of the most important, to himself, of his constituents, rich or poor. After these things comes his adherence to party and to the men most competent to hold the party together. He will exert himself to the same purpose at home, regarding measures much less in their relation to the welfare of the country than to the supremacy of the party with which his own interests are bound up. Log-rolling and lobbying are the two accomplishments in which the highest perfection is to be sought, since they are equally necessary for the passage of the highest and most beneficent legislation and for the most selfish of private schemes.

When such a member returns home after the session has closed he has no difficulty in meeting his constituents. Being glib of speech, for that is almost a necessity of success and has probably helped to fill up the Congressional Record, there is an unlimited supply of generalities at his

command as to the greatness of the American people, the value of our institutions, and the inestimable merits of the party to which he has the honor to belong as compared with the baseness and degradation of the party opposed.

An important point to be noted is that the voters have very little to do with the selection of the candidates. That is done by a nominating convention, the voters having merely a choice between the candidates proposed by the two great party conventions, or, if dissatisfied with both, of supporting the nominees of one or more fractional groups which are trying to work themselves into prominence. If, indeed, there were individuals who by displaying great qualities in public life served as it were as a precipitate to crystallize voters, these might unite in sufficient numbers to control the primaries; but the whole organization of our government is such as to suppress this individuality, in the executive by excluding it from all voice in the guidance of legislation and all public responsibility for the conduct of government, and in the legislature by throwing all the work into impersonal committees and the still more impersonal body of the House as a whole, with complete freedom from responsibility or criticism by anybody connected with the government. It follows, therefore, that the work of a nominating convention, instead of being guided from above, must be built up from below; instead of a mass of voters imposing their choice from a common impulse of admiration and esteem, that choice is dictated by a few individuals skilfully and secretly playing upon motives of action of which the public knows nothing.

If it is said, as it constantly is, that the voters should combine to prevent this and have only themselves to blame for evil results, the simple answer is that they cannot do that. There is nothing whatever to guide or con-

centrate their choice. Public life offers no means of testing and providing candidates. Any one of a hundred will do as well as any other, and no better.

Public office means with us not something to do, but something to get, not a place in which a man can say and show that he has done great service to his fellow-citizens and has more than rendered an equivalent for what he has received, but one in which he gets a certain amount of distinction and a certain amount of pay, small for men of high character and ability, but large for those of a lesser caliber and for the equivalent rendered.

Public office, again, means that however hard a man may work, and with whatever purity of motive, he can get no credit for either, because it must be divided with a more or less numerous and impersonal body in which his individuality is lost. On the other hand, in whatever of evil may be done by other members, he must share the blame of that which he is wholly unable to prevent. Is it not evident why good and able men are more and more driven from public life, and why bad men, of very different even if as great ability, are drawn into it, and that the voters, even with the best dispositions, are wholly unable to arrest this downward tendency?

This view of the case explains many things which seem otherwise inexplicable. Thus it was observed in the last chapter that at least one-half of each Congress consists of new members. From the point of view of the public service this seems so obvious a disadvantage as to excite surprise. But if we consider that it is not a question of public service at all, but of the advantage of the individual member, that it is not a question of something to do but something to get, it is plain that it is not regarded among politicians as equitable that one man should have more than one term, or at most two terms, but that he should make way for other aspirants, and that

this rotation does not depend upon the voters, but upon the managers of a nominating convention.

Again, a feature of our politics which excites the surprise of everybody who first encounters it, and which Mr. Bryce professes himself unable to understand, is the requirement expressed in the constitutions of some States with regard to their own legislatures, and which is a general practice in the case of Congress, that members shall be residents of the districts in which they are elected. It would be palpably absurd to restrict men in the employment of physicians, lawyers, or business agents to inhabitants of their own town, and it would be almost equally so in the case of a member of Congress if his real function was to promote the best interest of the district. But if it is not something to do but something to get, if it is a question of the enjoyment of \$5000 a year of public money and two years of winter residence in Washington, it is plain enough why the people of a district wish that such prizes should be kept strictly within their own limits.

Once more, it is considered indelicate, if not improper, for any man to offer himself openly as a candidate for any office, though that does not prevent any number of schemers from working with all their might to get a nomination. If public office were a place where hard and good service was to be done for the public, there would be no more reason why a man should not ask for it than for any private employment by an individual or corporation. But if it means a place which offers pecuniary emolument with no possibility of making an adequate return, an honorable man will no more think of offering himself as a candidate than he would of asking his neighbor to divide his fortune with him. But it is precisely the combination of nothing to do with something to get and the absence of responsibility, which attract a crowd of com-

petitors of a kind making men of honor and ability still less willing to put themselves forward.

Mr. Bryce, indeed, gives a different explanation.

That no American dreams of offering himself for a post unless he has been chosen by the party is due not to the fact that few persons have the local prééminence which the social conditions of Europe bestow on the leading landowners of a neighborhood or on some great merchants and employers in a town, nor again to the modesty which makes an English candidate delay presenting himself as a candidate for Parliament until he has got up a requisition to himself to stand, but to the notion that the popular mind and will are, and must be, all in all; that the people must not only create the office-bearer by their votes, but even designate the persons for whom votes must be given. For a man to put himself before the voters is deemed presumptuous, because an encroachment on their right to say whom they will even so much as consider. . . . A system for selecting candidates is therefore not a mere contrivance for preventing party dissensions, but an essential feature of matured democracy.¹

The reader who knows anything of party nominations will judge which account is most correct.

At every step in Mr. Bryce's book problems arise which he explains in various ways, but which here meet with a simpler and fuller answer.

Granted that politics has to become a gainful profession, may it not still be practised with as much integrity as other professions? Do not the high qualities of intellect, the ripe fruit of experience and study, win for a man ascendancy here as in Europe? Does not the suspicion of dishonor blight his influence with a public which is itself at least as morally exacting as that of any European country?²

The first question must be answered in the long run in the negative, because the processes of log-rolling and lobbying, which, as has been shown, are alone available for promoting legislation, blunt the edge of integrity from the start, and this indeed is true also with the other processes necessary under this system to secure nomina-

¹ *Op. cit.*, Vol. II., Chap. LIX., p. 47.

² *Ibid.*, Chap. LVII., p. 35.

tion by a convention. To the second question it may be answered at once, No, they do not, for the reason that when by chance they find their way into a public body they are at once lost in an indistinguishable crowd; that they meet with no recognition from fellow-members, each anxious only to make good his claim to an equal footing, from great party leaders quick to procure and make use of them, because there are none such, or from constituents from whom they are concealed by the impenetrable secrecy of committee rooms and the inevitable suppression of debate in the House. The third question calls for an equal, if less decided, negative, because the dishonor is, as it were, diluted by being spread equally over a number of persons of whom no one escapes his share.

Take again the opening of Chapter LVIII., Why the Best Men do not go into Politics?

"But," some one will say who has read the reasons just assigned for the development of a class of professional politicians, "you allow nothing for public spirit. It is easy to show why the prize of numerous places should breed a swarm of office-seekers; not so easy to understand why the office-seekers should be allowed to have this arena of public life in a vast country, a free country, an intelligent country, all to themselves. There ought to be patriotic citizens ready to plunge into the stream and save the boat from drifting towards the rapids. They would surely have the support of the mass of the people, who must desire honest and economical administration. If such citizens stand aloof there are but two explanations possible. Either public life must be so foul that good men cannot enter it, or good men must be sadly wanting in patriotism." This kind of observation is so common in European mouths as to need an explicit answer. The answer is twofold.

In the first place, the arena is not wholly left to the professionals. Both the federal and the state legislatures contain a fair proportion of upright and disinterested men, who enter chiefly, or largely, from a sense of public duty, and whose presence keeps the mere professionals in order. So does public opinion, deterring even the bad men from the tricks to which they are prone and often driving them when detected in a serious offence from place and power.

However, this first answer is not a complete answer, for it must be admitted that the proportion of men of intellectual and social

eminence who enter public life is smaller in America than it has been during the present century in each of the free countries of Europe. Does this fact indicate a want of public spirit?

It might be added that while there are still many, perhaps the majority, of men of good character in public life, the tendency is steadily downward. Let us consider the reasons given by Mr. Bryce, in his second answer, for this state of things. 1. The want of a social and commercial capital. To be a federal politician you must live in Washington, that is, abandon your circle of home friends, your profession or business, your local public duties. 2. There is no class in America to which public political life comes naturally as it still does to a certain class in England. Nobody can get an easy and early start on the strength of his name and connections. 3. In Britain or France a man seeking to enter the higher walks of public life has more than five hundred seats for which he may stand. If his own town or county is impossible he goes elsewhere. In the United States he cannot. If his own district is already filled by a member of his own party there is nothing to be done, unless he will condescend to undermine and supplant at the next nominating convention the sitting member. The fact that a man has served gives him no claim to be allowed to go on serving. In the West rotation is the rule. No wonder that when a political career is so precarious men of worth and capacity hesitate to embrace it. They cannot afford to be thrown out of their life's course by a mere accident. 4. Politics are less interesting than in Europe. The two kinds of questions which most attract eager or ambitious minds, questions of foreign policy and of domestic constitutional changes, are generally absent, happily absent. Currency and tariff questions and financial affairs generally, internal improvements, the regulation of railways and so forth, are important, no doubt, but to some minds not fascinating. There are no class privi-

leges or religious inequalities to be abolished. Religion, so powerful a political force in Europe, is outside politics altogether. 5. The division of legislative authority between the Federal Congress and the legislatures of the States further lessens the interest and narrows the opportunities of a political career. In the United States foreign politics and commercial questions belong to Congress, so no one will be led by them to enter the legislature of his State. Social reforms and philanthropic enterprises belong to the State legislatures, so no one will be led by them to enter Congress. 6. In America there are more easy and attractive openings into other careers than in most European countries. The settlement of the great West, the making and financing of railways, the starting of industrial or mercantile enterprises in the newer States, all offer a tempting field to ambition, ingenuity, and self-confidence. 7. The fascination which politics has for many people in England is largely a social fascination. Those who belong by birth to the upper classes like to support their position in county society by belonging to the House of Commons or by procuring through it a seat in the House of Lords. Those who spring from the middle class expect to find by means of politics an entrance into a more fashionable society than they have hitherto frequented. Such inducements scarcely exist in America. A congressman, a State governor, a city mayor, gains nothing socially by his position.

There is one explanation which goes farther than all these put together. It is the absorption of all the powers of the government by the legislature. As regards the executive branch this means that the highest officials, the members of the Cabinet, having no voice in legislation, are mere instruments for carrying out the orders they may get from Congress, a position which men of the highest character and ability will not accept, much less

seek, or if they do are much more likely to lose than gain reputation. Even the President, as we have seen, must exert his power in underhand ways rather than by open and manly influence. In the legislative branch it means a complete impossibility of obtaining personal reputation and nearly as much so of accomplishing any good, while there is almost an equal certainty of incurring loss of reputation from a fraction of blame for evil which one is wholly unable to prevent, and all this in a position which is to be reached through fierce competition with a crowd of eager schemers anxious to secure the material gain and caring for nothing else.

Compare the weight of these different reasons. Washington is one of the pleasantest places of residence in the country, especially in winter, and is constantly becoming more so, its attraction being rather increased by the absence of any commercial element. With the modern facilities of travel prominent lawyers and merchants can leave the details of business to their younger associates and go home to attend to anything important. As it is, men of business think very little of travelling one or even two thousand miles on any special business. As to local public duties there is always a plenty of aspirants of a good class to take charge of them.

The absence of a class which has a prescriptive right to political positions is not necessarily a drawback, as it allows freer play to individual ability. It is well known how quickly Napoleon's marshals rose from the humblest positions, and in our own Civil War generals of the first class came forward within four years from the most complete obscurity. If civil life gave anything like such opportunities for the projection of individuality instead of totally suppressing it, if the display of integrity and self-sacrifice, of ability and devotion to the public service, could be made as conspicuous and as thoroughly identi-

fied with persons, and the same was equally true of the reverse qualities, dishonesty, selfishness, stupidity and the subordination of public to private interests, there is no reason why the same results should not follow, at least to a great degree, as in war. The sheep would quickly be separated from the goats.

The restriction of membership to residents of the same districts with the electors is as we have seen a consequence of the fact that election does not mean service to do, but a prize to get. Probably the selection in any event would hardly go out of State lines, though even this limit might be overcome, but each State has from two up to nearly forty members. If constituencies had direct and palpable cause to be proud or ashamed of their representatives before the whole country, they would soon seek to enlarge their field of choice, and the rivalry between States would act as a powerful stimulus.

No doubt politics are less interesting in this country than in Europe, but that is on account of the mode of treatment. Many a man in the United States spends hours in reading parliamentary reports in the London *Times* who will turn with contempt from the Congressional Record, which it is doubtful if any number of persons read at all. In this great country with its variety of interests, even excluding foreign politics and including only the limited subjects of the federal government, there are still topics enough to attract the attention of the people. But in the one case it is a drama in which a few leading statesmen, well known to the country and acting in concert, plan out and direct the lines upon which the government is to be conducted under the keen and watchful criticism of the opposition. In the other case it is a confused Babel, in which a multitude of pawns are struggling each to raise himself on the shoulders of his neighbors in a conflict which the whole country knows

to be totally without meaning, while a number of committees are making frantic efforts under cover of darkness to get some appearance of common sense out of the thousands of freaks and caprices, of private jobs and bids for popularity which are heaped upon them, and all this solely to win credit for the Republican and Democratic parties by hanging on to the skirts of which men may be lifted to the temporary enjoyment of salary and official title.

No doubt, again, other careers in the United States offer greater attractions than politics, and Mr. Bryce does no more than justice to the qualities of our people when he says: "No class strikes one more by its splendid practical capacity than the class of railroad men. It includes administrators, rulers, generals, diplomatists, financiers of the finest gifts." But the difference consists in the opportunities for, and in the direct reward of, personal exertion. Nor is this to be measured by the pecuniary standard alone. Probably there is no country in the world where so much hard work in the public service could be obtained for little or no money if the want were made up in honor. Since there is no class distinction, no honor to be won by mere position, and since wealth, though it brings power and luxury, adds very little in public respect and esteem, the thirst for personal distinction is very great. Thousands of men have made independent fortunes early in life but can find no pursuit in which to expend their energies except in continuing to heap up riches. Thousands of rich men's sons, of the kind who came forward to give their services to the country during the Civil War, though carefully educated, have no choice but lives of idle pleasure, or of making more money. They would eagerly engage in hard work in public life if they could thereby gain the respect and confidence and deference of their fellow-citizens. But the reputation to be won is limited in degree and bad in kind.

The same is true of social distinction. The opportunities are less than in Europe, but the ambition, especially among women, is just as great. It needs but little acquaintance with the life of our great cities to see how keenly social position is canvassed and sought for. At present there are two bases on which it rests,—wealth and religion. The Church, particularly in the West, while ignored by the State is far from being so by society. A third and perhaps the strongest element might be found in public life, if those admitted to it were tested by high personal character and ability. But the reverse is the case, and the surroundings for the most part of those who are found there are not such as confer any social advantage upon men, and still less upon women.

In short, the one comprehensive explanation why the best men do not enter politics is more adequate than all of those given by Mr. Bryce. The confusion inseparable from a body of 356 men, all upon a footing of equality, without leaders and without discipline, results in a complete suppression of individuality. Good men can accomplish nothing because their isolated efforts are fruitless, they have nobody to rally around, and they can get no credit even for these efforts. On the other hand, the situation is peculiarly suited to the operations of intrigue, in which bad men are much more successful than good, while yet the good men must bear their share of blame. Seats in Congress are obtained through nominating conventions, nomination being equivalent to election by one party or the other. The object of the politician must be, therefore, first to get the nomination, and second to see that his party is so predominant that nomination shall be equivalent to election. Both these results are obtained by processes to which good men in the long run will not stoop, but which are not at all repugnant to men who seek only their own personal advantage irrespective of

the public welfare. It follows, therefore, that our political methods are such as to steadily drag down the quality of public men, and that no efforts of the electorate, however intelligent or however devoted they may be, can more than temporarily check this tendency. It will be seen later that these remarks as to the House of Representatives apply still more strongly to the Senate.

If such is the effect of our political methods upon those elected, what is it upon the voters themselves? Throughout this work one of the main principles put forward is that a democracy, if it is to work together for good, must be organized, disciplined, and trained just as much as an army; that it must have strong and tried leaders whom it can look to and rely upon with confidence, doing with undoubting faith and energy many things which its members do not understand because its leaders tell it to do them; that it must have frequent and effective opportunities of testing and judging those leaders, so as to have a basis for its faith; that it is by this process that men acquire confidence in each other, so that in time of need they can put out their strength in behalf of the right; and that only through this enthusiasm for personality identified with measures, with good legislation and sound administration, can anything like good work be got out of universal suffrage.

If the voters, on the other hand, see in the national government only two bodies, one of 356 and the other of 90 men, in a state of disorganization and chaos, without any leaders or authority to whom they pay deference, engaged in a confused struggle for prominence, and doing, so far as the public can see, no business at all; if the voters see that the majority and minority are held together only by the names of Republican and Democrat, having about as much significance as the green and blue flags which divided the factions in the last years of the Byzan-

tine Empire ; if the voters are told and know that the pretence of debate in Congress is a sham, that the real work is concealed in the committee rooms, and that Washington swarms with the agents of private interests, the traces of whose presence are only too apt to be found in the resulting legislation ; if these voters find year after year that the only candidates offered for their votes are so merely as nominees of the Republican or Democratic parties, such nominations being obtained more and more by a process of wire-pulling and caucus manipulation, or if by chance they do get a man of high personal character that he disappears at once in the promiscuous crowd at Washington ; if the mass of the voters find that the richer and educated classes withdraw more and more from and speak with contempt of politics, while they themselves are continually scolded at for not electing better men.—is it any wonder that these voters become disgusted and indifferent, that in their turn they abstain from politics and devote themselves to their private affairs?

Suppose, again, that the state of affairs at Washington is repeated almost exactly in every State and city of the Union ; that, after being exhausted by scourgings and exhortations in national elections, the voters are called on for fresh exertions in their several States ; that they are asked to choose an executive simply because he is a Republican or a Democrat, though it is extremely difficult to say what is the difference, while he is personally entirely colorless and without interest to them, and a legislature from among a host of eager aspirants for place, divided only by the same party names and presenting either before or after election no other claims to consideration. Suppose that having fulfilled their duties to the State, the voters are then summoned to those of a city, in which the name of mayor has come to be almost synony-

mous with impotence and that of alderman with corruption, while still the repeated names of Republican and Democrat are their only basis of election. Next suppose that over this whole labyrinth of politics, from Washington down through the States and cities, there hangs a dark cloud of suspicion and distrust; that incessant rumors of corruption and of the powerful influence of the lobby taint the atmosphere both of the executive and the legislature, involving every member of each in almost equal condemnation, which seems justified by the acknowledged predominance of special legislation and of private interest. Is it any wonder that the voters become more and more indifferent and apathetic, and can this be fairly made a charge against universal suffrage?

It may be answered that this is just the real charge against universal suffrage, that it allows such a state of things to exist. But if this is a direct result of practical though not formal suppression of executive power and the absorption of all government by the legislature, can the millions of voters be expected to understand and apply the remedy for that? That is work for the educated and well-to-do classes, and when once they have worked out the idea and the remedy, have made a formal appeal to the masses of the people for support and met with a distinct and sustained refusal, then will begin the time for a justified denunciation of the latter. But that is just what those classes refuse to do. A small part of them still exert and associate themselves to urge the people to improve public affairs in details and on their present basis, but the great majority more and more withdraw from politics even to the extent of not going to the polls, lift up their hands in horror at the consequences of intrusting power to the ignorant multitude, and console themselves by reflecting that the climax of evil will not be reached in their time.

And here is just the greatest danger of all, in the loss of mutual confidence and coöperation in the different classes which make up the nation. We know what the French people had become at the outbreak of the Revolution, under the centuries of rule of their kings combined with the influence of the Roman Catholic Church, what the same influences had wrought in Spain, and what southern Italy became under the Spanish Bourbons. We know also what the working together in Great Britain of the different classes in resistance to the Crown and afterwards in developing under it free parliamentary government has made of her people, resulting, among other things, in a colonial empire such as no nation, not even Rome in her palmiest days, has ever been able to show. A democracy needs this element more than any other condition of society, to keep down the jealousies and rivalries excited by a complex civilization and by the extremes and rapid alternation of wealth and poverty. If a firm and steady government, according to a uniform and consistent system of law, shall allow the freest possible play to social aspirations, repressing with a strong hand but on manifest principles of justice and the public interest every step towards social violence; if the rich and powerful show themselves ready to assume public station under conditions which make clear to the whole nation that they are actuated, not necessarily by a spirit of philanthropy and self-sacrifice, but by a broad consciousness that their own interest is identical with the public welfare; if, when one set of men passes from office another set, already tried by methods which the people can see and understand, stands ready to take their places and carry on the work, even with a change of party; — then the masses will remain cheerful and contented even in hard and narrow lives, will resist social disorders, and be ready to put forth their united strength in time of need. No

school education can replace or compare with such a one as this.

But if the government is loose and capricious ; if law as well as administration is changing and unsteady ; if private interests get the upper hand, and the people imbibe the idea that they are being sacrificed though they do not know how ; if the men in public life are believed to be caring much more for the interests of themselves and their powerful supporters than for those of the people at large ; if the only personalities whom the people can see are regarded by them with distrust and contempt ; — then the road is straight, even if more or less long, to revolution and military despotism. No amount of common school education will prevent a people under such circumstances from sinking into discontent and despair, and from a readiness to join in, or at least to submit to, outbreaks of violence. Unfortunately, we shall find a plenty of practical illustrations in this direction.

In the words already quoted from a French writer : ¹—

For if the nations make governments after their image, it is still more true that governments give to the people their virtues in the long run, and their vices with a terrible promptitude.

However that may be, it may well be maintained that it is universal suffrage which to-day is keeping up the character of the government, and that, but for the restraints imposed by it, our government would be a great deal worse than it is now. It is frequently said that a government cannot be better than the people over whom it is placed. Possibly ; but it may be a great deal worse, and there is no more than justice in the words of Mr. Bryce that —

what the legislatures of the worst States show is not merely the need for the existence of a sound public opinion, for such a public

¹ See Chap. XIV., p. 310.

opinion exists, but the need for methods by which it can be brought into efficient action upon representatives, who, if they are left to themselves and are not individually persons with a sense of honor and a character to lose, will be at least as bad in public life as they could be in private.¹

¹ "American Commonwealth," Vol. I., Chap. XLV., p. 539.

CHAPTER XIX

GOVERNMENT BY LEGISLATURE (*Continued*)

IN the last two chapters we have considered the organization of our government and its effect upon the characters both of the electors and the elected. We have now to examine its effect upon legislation and administration. For this purpose two features are to be kept in mind. The first is that every member of either branch of the legislature is at liberty to introduce a bill upon any subject he pleases, — with the single exception, more apparent than real, that bills for raising revenue must originate in the House of Representatives, — and that all of such bills stand, so far as weight of authority goes, upon a precisely equal footing. The second point to be noted is that neither the President nor any member of his Cabinet has any right, not merely to introduce or propose bills but even to criticise them publicly; in other words, that no person representing the whole country, or who is responsible for the administration of the government, has a single word to say about any proposed legislation till, having passed both houses, it is presented for the President's signature, when he must either accept or reject it.

The result of the first condition is that there is no single subject within the limits of the Federal Constitution which may not within every recurring year be brought up for the most revolutionary treatment. It may be, indeed it most probably is, true that nothing will be done, but the mere proposal to do something is enough to alarm and to a greater or less extent paralyze the interests which

are involved. Take, for example, the tariff, and, for the moment, irrespective of the questions of protection or free trade. The business of the country can adapt itself to high duties or to low duties, but what it can never encounter with successful results is constantly changing duties. Now not only has the tariff been frequently and actually changed in the last fifty years, but it is absolutely impossible to say at the opening of any session of Congress whether the tariff will or will not and in what particulars or to what extent it may be changed. A resolution as to any one article referred to the committee of Ways and Means—and it is perfectly certain that such will not be wanting—is enough to open the whole subject, and once it is in possession of that committee every resource of log-rolling and lobbying will be exhausted by the private interests contending for advance or reduction. not to speak of enthusiasts who are working for what, according to their lights perfect or imperfect, they believe to be for the public welfare.

And here the second condition comes into play. Of the committee which has exclusive control of the subject every member represents a district and no more. The chairman holds his place by gift of the Speaker, either because he represents a powerful local interest or is a man of weight and influence in the party, which is of course the same as that of the Speaker. Suppose this interest to be manufactures, or shipping, or banking, or wool-growing, or sugar-raising. It is perfectly natural that the chairman should regard the welfare of the country as identified with the success of that particular interest and should bend all his efforts to promote it. But there are other members of the committee of both parties just as much convinced of the importance of their local interests. The perfectly logical result of this is not that all of these interests should be weighed in the scales of the national

welfare, but that concessions to one set should be purchased by concessions to another. Next come those who, animated by a real desire to benefit the country, have yet to employ precisely the same methods as the others, though, as has been shown, with a decided disadvantage. On an even if not a better footing than any of them come the agents of powerful private interests, and it is these which constitute the greatest danger.

It has been shown that the only cement which holds a majority of the House together is party and that the names of the two great parties, Republicans and Democrats, have in themselves and at the present time no meaning at all.

In former days it was the offices of the government service which furnished the motive power, but such measure of civil service reform as has been achieved has greatly diminished this resource and it has been replaced by the obvious substitute of money. There can be no question that bribery in elections of late years has greatly increased. It was publicly stated that Mr. John Wanamaker, head of the great Philadelphia dry-goods house, was made Postmaster-General under President Harrison in consideration of his having furnished four hundred thousand dollars from his own or the contributions of others towards the party campaign fund. There is no source from which so much money can be obtained as from the men who are seeking for high protective duties upon great staple articles, whether so-called raw materials—sugar, wool, iron, copper, and so forth—or manufactures of dry goods, hardware, drugs, liquors, and the like. It is quite natural, therefore, that the Republican party, which has had control of the government substantially for the last thirty years, should pose to-day as the advocate of high protection, an obvious reason for this being that experience has taught them where the sinews of party warfare were to come from. There is no pretence except in the campaign

speeches of party orators and the tirades of party newspapers that the duties are adjusted with an eye to the welfare of the country. In like manner when the tidal wave of disgust with the Republicans in 1890 gave to the Democrats the executive and both houses of the legislature, though the main cause of their wretched failure was undoubtedly the loss for a generation of the experience of party discipline, the result was not a little helped by their enforced attitude in favor of a reduction in the tariff and their consequent rigid exclusion from the graces of the great interests which hold the purse-strings.

If now we compare what has been said of the quality of men who naturally gravitate towards Congress with the influences which govern their work when they get there, we can find abundant explanation for our failures in government without visiting our condemnation upon universal suffrage.

It remains to consider the relation of administration to tariff legislation thus obtained, and it will serve as an illustration of the working of the whole government. The President can by message urge upon Congress in general terms an advance or reduction or a simplification of customs duties, but he can do no more, while even so much is very likely to excite resentment. He would not think of entering into details which would probably win for him only ridicule and humiliation. The Secretary of the Treasury can, if he pleases, plead the wants of his department before the committee, where he will be treated with a certain condescension as a suppliant and a subordinate, having considerably less influence than any great private interest, first on account of jealousy of executive interference, and then because he is not backed by any pecuniary service to the party.

It is not surprising, therefore, that our customs administration is full of contradictions, absurdities, and oppor-

tunities for fraud, almost more detrimental to the business of the country than the details of the tariff itself, and which yet cannot be exposed or corrected, except through an investigating committee, an instrument of government worth examining by itself in this connection. As there is nobody in either house of Congress who has anything to do with administration, or can be called to account for it, which is equally true of the standing committees, and inasmuch as, even if the party majority could be assumed to be responsible, a vote of censure upon it would imply a contradiction in terms, there are no facts upon which the opposition as a whole or any criticising member can proceed. The only way, therefore, is to move for an investigating committee which the majority, knowing its utter futility, is generally quite willing to grant. The committee, which on the part of the House is made up by the Speaker, or elected in the Senate on the same party basis as all others, consists of men who have almost certainly no experience of administration, and as little of judicial investigation, while they proceed upon no legal rules of evidence. What inquiries they make, therefore, are rambling and desultory. After some weeks, or perhaps months, of delay and expense they make a report to Congress. But that body has meantime passed on to something else, and lost all interest in the subject. Apart from this it is so evident from the start that the report will be governed by party considerations that it is received, if it gets any attention at all, by Congress and the country with a smile of contempt, serving still further to depreciate the government in the eyes of the people. But even if the investigation was of the most impartial and searching kind, if it contained the gravest charges and the most urgent recommendations for reform, Congress is still just where it was before the committee was appointed. There is nobody to whom the charges can apply, and nobody

whose business it is to take the reforms in hand. The President and the Secretary of the Treasury cannot be reached except by impeachment, and impeachment, besides being a wholly disproportionate instrument, like using a steam hammer to crack a nut, does not meet the case. The punishment of an individual will not reform a system. There is no way except to refer the report to a standing committee, to be buried in the unmarked grave which receives the thousands of bills and resolutions awaiting the same fate. Could there be a greater caricature of government?

There is nothing which in a sound party man, especially a Republican, that is, a member of the party which has carried on our government for the last thirty years, excites greater rage and scorn than a comparison of our own with British methods of government in any way to the advantage of the latter. It is stigmatized as un-American and unpatriotic in depreciating our institutions. Such childishness cannot of course be taken into account in attempting a scientific analysis. We are constantly importing English machinery for our manufactures, and exporting agricultural implements, watches, and other fruits of our ingenuity. If the English have anything political to be adopted with advantage, which is of course a thing to be proved, are we so foolish as to reject it because we did not invent it? Such jealousy further overlooks the fact that whether we like it or not, the principles of our institutions were derived from Great Britain. Why should we reject a comparative study of their different modes of development?

Whether the system of free trade has been of advantage to Great Britain on the whole may be open to question, but there can be none as to the benefit which her commerce has derived from the stability of a policy which, during half a century, while constantly taking

off customs duties, may be said to have never imposed a single one, unless for purposes of revenue, even the duties on liquors being offset by an internal excise. Of course many of the landowners are at times clamorous for a duty upon foreign grain, but the fear or the hope of it never affects business in the least because everybody knows that if it ever comes at all it must be the result of a long agitation. It cannot be proposed by any member of Parliament putting forward any plan he fancies, and then lobbying it through by working up a majority. It must be done by getting a parliament and a ministry elected for that purpose, and then by having that ministry, under its responsibility to the whole country for the course of government, prepare and submit a bill, which bill and no other will be discussed for months in public, both as to principle and details, so that the people can understand both the measure and the men who advocate and oppose it. If it is ever passed it will be because that is the deliberate decision of the country, of which there are at present no signs.

A few years ago occurred an interesting illustration of the effect of leaving the control of the tariff, at least as regards initiation, in the hands of men who act for the whole country, and are responsible for the administration of the government. The French and German governments allowed a considerable bounty upon the export of refined sugar, and the English markets were flooded with this product. The great refiners represented to the government that their business was ruined by such competition and asked for a duty to offset this bounty. To a committee of Congress this would have seemed a reasonable demand, and, especially if backed by a handsome contribution to the campaign fund, might easily have found its way as an item in a complex bill. The English ministry, under a lively sense of their responsibility

to the country, replied that the first thing was to ascertain the facts. So they sent out an inquiry to the makers of jam, preserves, confectionery, etc., and found that though these could individually bear no comparison in capital and importance with the sugar-refiners, yet collectively they far exceeded the whole of them in these respects, and that the proposed duty would deprive not only them but their customers of the great advantage which foreign governments were good enough to bestow upon them at the expense of their own taxpayers. The answer was complete and final.

Of the social revolution involved in the first parliamentary reform, an account has already been given.¹ But one hardly less far-reaching occurred in the repeal of the Corn Laws shortly after. The English policy for a century had been to protect the great landowners by taxing the food of the people. The great manufacturing cities which had grown up determined that this should cease. If the struggle had been conducted by mutual abuse and exasperation, the materials for bloodshed and civil war were abundant. But again the same machinery came into play, — a ministry standing as arbiter between classes prepared definite bills for the gradual repeal of the duties upon grain. The upper classes, after free discussion of the alternatives before them, accepted their fate, involving a peaceful change in the whole social conditions of the English people.

It is not necessary to discuss whether free trade in grain has or has not been beneficial to the whole people of Great Britain. Two points only are here laid stress upon : first, that in an aristocratic country like the Great Britain of that day, where legislation for a century and a half had been always in favor of the owners of land, a complete revolution was made on behalf of manufacturers and

¹ See Chap. VI.

tradespeople and the multitude dependent on them, and was accepted without violence ; and, second, that the policy thus adopted has been maintained for half a century without fear or prospect of change and with a resultant stability which has of itself been of immense advantage to the country.

The next illustration of the difference between a government carried on by executive power responsible to the legislature and the people, and a government carried on by a despotic legislature, may be found in what is known as civil service reform. Down to 1830 very few forced changes had been made in the civil service of the United States, and those not for political purposes. The political use of offices was begun by President Jackson for the purpose of bending Congress to his will. But with the combined greed, ambition, and predominance of Congress this condition was quickly reversed, and the offices formed a permanent weapon with which to reduce the President to subjection to party purposes. The scandal and disgrace which this state of things brought upon the country in the thirty years preceding the close of the war are familiar to those who lived at that time, and may be learned now from the publications of the reform organizations. The first attempt at reform came from Hon. Thomas A. Jenckes of Rhode Island, who in a committee report to Congress in 1868 set forth the whole subject. In 1871 Congress passed the first act for a civil service commission to investigate the evils and provide a remedy through a system of competitive examination. By incessant public agitation for the next fifteen years there were wrung from a reluctant Congress scanty appropriations and a grudging extension of the number of offices to which the reform should be applied. But the hostility of Congress was so pronounced that the appropriations and the number of competitive offices were kept at the lowest possible point.

and there was a constant possibility and an actual fear that Congress might abolish the commission altogether, particularly as public attention, wearied with constant repetition, had been turned away to other topics. By the report of the Civil Service Commission in 1893 it appeared that there were over two hundred thousand government offices to be filled by appointment, of which forty-three thousand, including, of course, the most important, were subject to competitive examination. That so much remained to be done, as well as the complaint of obstacles interposed to the working of the system, is to be attributed to the undisguised opposition of Congress, held in check only by public opinion.

The explanation of this opposition is very simple. It has been shown that in the absence of leadership and discipline in Congress the only cement by which any considerable number of the equal units can be held together consists in adherence to party, and that the party names of Republican and Democrat have absolutely no significance in themselves but rest upon a conciliation of private interests. Short of direct bribery there is no resource which could stimulate the energy and coherence of party effort equal to the government offices, and even with direct bribery it would be scarcely possible that such immense amounts of money could be obtained for explicit application to one common end. Hon. George William Curtis, who was the first chairman of the Civil Service Commission, said in an address before the National Civil Service League in June, 1888: —

There is no more reason in requiring a postmaster to agree with the President of the United States in political opinion than in requiring a railway engineer to agree with the religious views of the president of the road.

The statement is wholly unfounded. It might have been true if the word 'justice' or 'propriety' had been

used, but of reason there is more than enough. The railway engineer and the president of the company are chosen with a view to the successful management of the road. The main object in the election of the President of the United States is, and under the present system must be, the success of a party which has had for the most part no means of success but the use of the offices. No doubt only a small part of the people of the United States can ever hold office. But with two hundred thousand prizes in a lottery, or even one hundred and fifty thousand of very small value, and from ten to one hundred aspirants for each, the working force in the elections is enormous.

On the 20th of March, 1896, the three members of the Civil Service Commission addressed the Massachusetts Reform Club in Boston. It was pointed out that every step in the progress of the great reform which has already been made in the government administration had come from executive action; that under President Cleveland the offices filled by competitive examination had been increased to fifty-six thousand, and that there is hope of a still further and large extension by an order of the President. But throughout these addresses there was not one word of commendation for any action by Congress in regard to the reform. Except as to the Act establishing the commission, which was passed in great haste in 1883 under pressure of public opinion, Congress has steadily resisted the operation of the system in every way it dared. It was shown that, while in the last twelve years the number of classified offices subject to the commission and the appropriations for the same have been actually diminished, the offices still open to the spoils system and the corresponding appropriations have been largely increased.

A letter from the Postmaster-General was read, advocating an important change in the postal service and requiring no new appropriation, but only a transfer of a part of

that already existing. Yet the head of a great administrative department of the government could only address this letter to the chairman of a small committee of the House, which would talk it over among themselves, and, if they decided in favor of it at all, could only do so in competition with some fifty other committees, all struggling together for the attention of the House, itself completely indifferent to anything which does not promise to promote the success of a party. It never seemed to occur to anybody present at the meeting how great would be the difference if the Postmaster-General could present his request to the House in person and before the whole country, with an explanation of details and its bearing upon the whole system of the government administration.

It is not one of the least of President Cleveland's titles to public gratitude that in May, 1896, he issued an order adding thirty thousand to the number of offices placed under the rules of the civil service competition, and leaving none but very small offices outside of them. And yet there remains the unpleasant fact that, as the offices have been for thirty years the only effective means of keeping a party majority in Congress together, the withdrawal of this fresh instalment makes it only the more certain that the substitute for offices will take the form of money, to be procured and applied in ways which will be presently noticed.

Those who understood the real basis of the "spoils system" predicted that the removal of the offices from politics would mean a great increase in the use of money for the same purpose, and it will hardly be questioned that there has been a great increase of bribery in elections in the last twenty years. Of course, the necessary expenses of a presidential or congressional campaign are not insignificant, and the amount of money which can be so absorbed, even without direct buying of votes, is very

great. But, besides the fact that candidates for office are not often rich men, the contribution of large sums by candidates themselves would be too dangerous in the face of public opinion. There is, however, one source from which money for "campaign purposes" can be had in almost unlimited amounts, and that is from parties interested in the adjustment of protective duties on imports. As it has been remarked that the Republican party without any other apparent reason has become identified with a high protective tariff, so it is not altogether fanciful to say that civil service reform has been the direct cause of imposing that system upon the country to an extent beyond all previous experience.

Early in 1871, Mr. Dorman B. Eaton, chairman of the commission for devising reforms in the civil service, was requested by President Hayes to investigate personally the operation of the reformed system in Great Britain; but it was expressly stated that he must do so at his own expense, Congress having made no appropriation for the purpose. Mr. Eaton embodied the results of his inquiry in a considerable volume, which, deeply interesting in itself, is even more so for its demonstration of a conclusion which the author never sets forth at all,—the difference of organization of the two governments. Those who are acquainted with Mr. Eaton know well, what indeed clearly appears from his book, that he is by no means "un-American." A great part of his life has been spent in strenuous and scantily remunerated efforts to promote the welfare of his country. A few extracts from his book may be taken, therefore, as expressing the evidence forced upon him.

There is nothing more remarkable in the experience of Great Britain during the past century than the measures she has taken to reform administrative abuses. What we have most neglected in politics she has most studied,—the science of administration. She

has brought about changes which have elevated the moral tone of her official life; reforms which really constitute an era in her history. They are as a silver edge upon the dark cloud which hangs over British administration in former centuries. While this great work has been going on in the mother country we have fallen away from the better methods of our early history. The more thoughtful are asking whether the abuses which have been so rapidly developed are due to our neglect as citizens, or are inevitable under republican institutions. Seeing how much better and more quietly administration is carried on in Great Britain than in the United States, some gloomy and some aristocratic spirits are ready to despair of the republic. They attribute the obvious superiority to causes original and inevitable in the institutions of their own country. Are the reforms of Great Britain based on principles of which only a monarchy can take advantage, or are they equally available under republican institutions? Can we remove our abuses without changing the form of our government?¹

It will appear that either in the home government or in India substantially all the abuses we have endured and all the specious arguments by which their continuance has been excused, were familiar to English statesmen long before we began to talk about political corruption.²

There was nothing in the form or the history of the government to make such a struggle less severe than it would be with us, but quite the contrary. Members of Parliament loved executive power, and knew how to use specious arguments to defend its usurpation. There was no purer era of public administration in the country before that authority was usurped to which reference could be made as a reason for its surrender. If it must be conceded that the power of selection in the hands of members was a clear usurpation of executive authority, it could not be denied that it was acquired at the time when Parliament began to stand more bravely for liberty and common rights.³

Although from the time of the first reformed Parliament the state of the civil service had begun to amend, no positive action was taken till 1853. It is curious to note that the first step was taken in 1853 in relation to India, that far-distant dependency, where by the precedents of all other governments abuses might be expected to increase and culminate.

¹ Eaton's "Civil Service Reform," pp. 4, 5.

² *Ibid.*, p. 11 c.

³ *Ibid.*, p. 170.

The 36th and 37th clauses of the India Act of that year provided "that all powers, rights, and privileges of the court of directors of the said India Company to nominate or appoint persons to be admitted as students . . . shall cease; and that, subject to such regulations as might be made, *any person being a natural-born subject of her Majesty* who might be desirous of presenting himself should be admitted to be examined as a candidate."¹

A forward movement was made about the same time at home.

The administration, with Lord Aberdeen at its head, promptly decided to undertake a radical and systematic reform. There was no little doubt as to the best plan to pursue. It was at first proposed to begin by offering a bill in Parliament, it being thought that nothing short of joint action by the legislature and the executive would either be at once effective or binding upon succeeding administrations. But unanswerable objections arose. Members of Parliament were much more likely to acquiesce in reforms proposed by the executive than to initiate them by statute. They were not well informed as to existing methods or real needs in the executive department, and could never devise a good system even if such an undertaking did not too directly concern both their future patronage and their favorites in office.²

The same idea is officially expressed, and its bearing upon the relations of our government according to the main idea of this work cannot be too strongly inculcated.

"It has been too much the habit of the House of Commons to interfere in matters for which not they but the executive are responsible. It is the duty of the executive to provide for the efficient and harmonious working of the civil service, and they cannot transfer that duty to any other body far less competent to the task than themselves without infringing a great and important constitutional principle, already too often infringed, to the great detriment of the public service."³

It was decided that, in the outset, no application should be made to Parliament. The reform should be undertaken by the English executive (that is, the queen and ministers or administration) for the time being. The first step decided upon was an inquiry into the exact condition of the public service. Sir Stafford Northcote and

¹ Eaton, *op. cit.*, p. 179.

² *Ibid.*, p. 185.

³ "Civil Service Papers," pp. 271, 272, quoted by Eaton, p. 186.

Sir Charles Trevelyan were appointed in 1853 to make such inquiry and a report.¹

After various further phases of the reform,—

On the 4th of July, 1870, the administration through an executive order in council and without any action by Parliament gave effect to the wishes of the people by abolishing official patronage and favoritism (and limited competition as an incident), and substituting open competition in their place.²

The order was, in short, a grand triumph of patriotism, character, education, and capacity over selfishness, official favoritism, partisan intrigue, and whatever else had been corrupt, immoral, or unjust in the action of parties or the bestowal of office. It marked the highest elevation of justice and official self-denial that governmental action in any country had ever reached, for though examinations and competitions had been used in a qualified form in France, Germany, Sweden, and several other European countries, they were not wholly without official dictation, nor were they free to all citizens alike. Open competition thus established in Great Britain said in substance to every British subject: "The administration confers no favors by appointments, the great parties are not allowed to coerce you, the high officers are forbidden to use the appointing powers capriciously, and subject to the just regulations prescribed each of you is at liberty to compete for, and if you are the most worthy you will win, a place in the public service of your country, there to remain as long as you serve her honorably and efficiently and her interests require you."³

It seems very singular that Mr. Eaton did not or would not see that the difference between the British and American systems consists in the different organization of the two governments.

I am unable to find any reason, in the sentiment of our people or the nature of our government, why the members of the American

¹ Eaton, *op. cit.*, p. 189.

² *Ibid.*, p. 228.

³ *Ibid.*, p. 231. It may be said that Mr. Cleveland's order of May, 1896, corresponds to the English order here referred to. But the English order once passed has never been questioned or interfered with in or out of Parliament; and the exclusive power of initiative in public affairs held by the English executive makes it certain that it never will be. In the United States it has taken twenty-five years to work out the reform in the face of sullen and ill-concealed hostility on the part of Congress; and there can never be any certainty that by failure of appropriation or some intrigue, the legislature may not fatally undermine the whole system.

Congress, any more than the members of the British Parliament, need patronage and spoils, or can justify the use of them to bring about their election, to inspire their patriotism, or to reward their fidelity.¹

The reason which he is unable to find is simply this. In the one case, that of Great Britain, there is a ministry who, while in office, act as the agents of the whole country and are responsible for the conduct of government. The ministers not only have seats in the House of Commons, but have the initiative and guidance of legislation. And just because they represent the whole country and the administration, which no other man or number of men in the House do, the whole initiative is left to them, the House retaining for itself only a veto upon the proposals of the ministers. If an executive order is issued, throwing open the civil service to competitive examination, all that is needed to carry it into effect is a sum of money. The ministers can put a sufficient item into the appropriation bill, and the House cannot throw it out without risking a change of ministry or an appeal to the country, in which the party majority would be by no means certain of the popular approval.

But while the ministers are clothed with these great powers they are, on the other hand, held to the sharpest responsibility to public opinion, which may be brought to bear not merely by a vote of a party majority but by the direct attack of the leader of opposition and a few individual members.

There have been striking examples of the power of that opinion to bring ministers and cabinets to obedience, in which members of Parliament, once so hostile, appear to have made haste to speak for the new and popular system. When, for example, a few years since Mr. Layard was thought to have been appointed minister to Spain in violation of the civil service system, the Cabinet was speedily forced to vindicate the regularity of its action before Parliament. In the late promotion of Mr. Pigott to a very subordinate place, Lord Beacons-

¹ Eaton, *op. cit.*, p. 382.

field was believed to have departed from the spirit of the civil service rules. So vigorous was the protest, so fierce was the assault of the press, so many of his own party refused to sustain him, that his administration suffered its first defeat. A vote of censure was carried against him upon the question raised, in a House in which his party had a majority of from sixty to a hundred votes. So intense was the feeling that "the House of Commons was deserted and the members flocked to hear what their former colleague could say in the House of Lords." It was only by a frank and elaborate speech in self-vindication, showing that the charge was unwarranted, that the prime minister saved himself from the necessity of resignation.¹

The severity of this process — which depends wholly upon an organized and vigilant opposition, acting directly upon the ministers through individual attack — is such as to far outweigh and completely silence any private solicitations from persons either in or out of Parliament. With these exceptions the question of the civil service has hardly been raised at all for a quarter of a century. The system of competitive examination is firmly established, and the country is never called upon to undergo any agitation upon the subject.

In the other case, that of the United States, there are two bodies, one of 356 and the other of 90 men, all equal among themselves and no one of them having any claim to represent the whole country or to be in any degree responsible for the conduct of the government. Any measure which gets past these two houses must do so on the ground of party policy with which each member feels his interest to be bound up, and the members know full well that they owe their seats much more to energetic and interested workers in their districts than to the voters at large, who have nothing to do with nominations and only a choice between the party candidates at elections. Meantime the executive officials who do represent the whole country and are charged with the conduct of government, are wholly excluded from any

¹ *Ibid.* p. 374.

voice in legislation, having even less power in this respect than any member of either house. The President himself is just as badly off, having power only, and limited at that, to say what the houses shall not do. If an executive order is given for competitive examination it is liable to be defeated by the mere omission of any appropriation for it. It must be remembered, again, that the party use of offices is really the only means of influence with Congress which the President possesses, and it may well be argued that the indifference of both houses to executive wishes and requests has considerably increased with the measure of civil service reform already obtained. Moreover, whatever abuses in respect to offices the President and Cabinet may commit they can only be reached through an investigating committee, whose reports, made after a considerable interval of time and based as everybody knows upon purely party considerations, have very little weight. The penalty for yielding to the solicitations of office-seekers is therefore not sufficient to secure the rejection of them.

It may be said that after all our Congress did pass a Civil Service Reform Act and that by successive acts of the executive nearly all the offices have been brought under the competitive system as much as in Great Britain. As to the first it may be remarked that the direct action of public opinion is probably greater than in Great Britain. What it needs to become an effective and permanent force is an official guide and instrument in the executive, watched and checked by an organized opposition under a leader. The first Reform Act was intended as a mere sop to public opinion which Congress has ever since sought to neutralize and defeat. Executive action, which has mainly proceeded from Mr. Cleveland, increased the breach between the two branches of the government and helped to destroy his influence with his own party. So

far from Congress undertaking to enforce the rules, executive violation of them would be overlooked and condoned, and there is no security that the whole system may not be swept away either by silent evasion or direct act of Congress. Moreover, in Great Britain it has not been found necessary to provide a substitute for the use of offices in elections by the direct bribery of campaign funds.

Whether it is practicable or desirable to make changes in our governmental methods to correspond with those of Great Britain will be discussed later, but there is no escape from the conclusion that in the difference of methods lies the real cause of the difference of results. We have either to accept this or to admit that our people is inferior to that of Great Britain both in ability and intention. Which alternative is the most patriotic and "American"?

One more quotation from Mr. Eaton, though with a different object from what he aimed at.

It is worthy of our notice that the question now presented is not so much a question about adopting processes and methods as it is about approving certain great principles which embody a theory of political morality, of official obligation, of equal rights and common justice in government. It was the principle, rather than the mere methods, of the division of government into three great departments, of the independence of the judiciary, of free parliamentary debate, of representative institutions, of trial by jury, of the *habeas corpus*, of the common law, of personal rights, of the subordination of the military to the civil power, which we adopted from Great Britain in our original constitution. The question now before us is, whether the nation, which has maintained as faithfully as we have all these great foundations of liberty still equally fundamental in the two countries, may not now be able to tender us other principles worthy of our adoption, which she has adopted in perfecting the vast and complicated operations in her civil affairs during the period in which — absorbed by the interests of new States and Territories and by the many matters peculiar to a young nation — we have given little thought to the practical working of government.¹

¹ Eaton, *op. cit.*, p. 362.

The principle which now presents itself is the readjustment of power and responsibility in the executive as against the usurpations of the legislature.

After this comparison of two governmental systems, the reader is invited to turn back to Chapter XIV. and note what the civil service has become in France under the Third Republic, to observe how complete has been the subjection of the executive to the despotism of the legislature and its consequent effect upon the civil service, and to judge whether the reasoning in this chapter is not confirmed and justified by this third example of the effect of organization in government.

A different chain of events leads to the same conclusion in the conflict with slavery. The Federal Constitution had evaded the whole subject, and the cessation of the slave trade had caused a hope that it might settle itself. But the invention of the cotton gin had given a fresh impulse to slave labor, and in the third decade of this century it became evident that an irreconcilable contest was arising between the free and the slave States, in which one or the other must succumb. For the Southern people it could not be denied that it was no fault of theirs. They had inherited the evil, which was far greater to them than to anybody else, from their ancestors, and the Union had been entered upon by all the States with a full knowledge of its existence. Their whole property and means of existence were bound up with it, and, if the rest of the Union asked them to give it up, they were entitled to a reasonable compensation so that the whole sacrifice should not fall upon them. The business portion of the North would gladly have entered into any compromise of this kind, but there was nobody to take the lead in it. Men like William Lloyd Garrison and Wendell Phillips employed language towards the South which was suited only to thieves and murderers, and the awakening attention of the North was

fed only on ringing denunciations which went far to make a peaceful settlement impossible. Of course, the hot-blooded people of the South, who would have to bear all the loss if slavery were abolished, met these attacks with the fiercest resentment. It was hardly safe for a Massachusetts man to travel in the South, and it became a matter of honor to demand the arrest and return of miserable fugitive slaves by United States troops, which in turn raised the exasperation at the North to a white heat.

The natural and only possible mediator between the two sections was the federal government. What was its equipment for this function? Again we find two bodies of men composed each of equal units without leadership and without discipline, every member of both representing only a fraction of the country, with no inducement or authority to speak or act for the whole, and with nobody to take part in their debates who was in any way responsible for the conduct of government. It was a pure question of majority and minority made up by log-rolling and intrigue, with no cement but the party names then prevailing of Whigs and Democrats. In this work the Southerners had decidedly the advantage, their affairs being in the hands of a limited aristocracy, wealthy in slaves and land and acting in concert as to the main principle; while the North, though already far richer, was hampered in the choice of its representatives by the considerations already noted.

Over against this body stood an executive, powerless as has been shown, except in the distribution of offices, elected purely as an instrument of party, and completely subservient to the party majority in Congress. Men like Polk, Pierce, and Buchanan were like corks upon the surface of the waters. Northern members of Congress, without defined purpose and with no leader to rally around, fell an easy prey to their determined Southern opponents,

at least till the newly formed Republican party began to utter its thunder tones, while measures like the admission of new slave States and the repeal of the Missouri Compromise marked the progress to the final catastrophe.

There is, perhaps, no item of sadder significance than the close of the career of Daniel Webster. While he had but little sympathy with the violence of the early abolitionists, he perceived as a statesman the whole danger involved in slavery, and took sides against it. When the annexation of Texas was impending in 1843-1845 he was not in public life, but, with a full sense of the consequences, he exerted himself to arouse public opinion in New England to oppose it. But as the march of events went on, and his clear vision saw the conflict which was coming, and as he believed — for even he could not foresee the splendid result which was to follow — that it meant the dissolution of the Union to the glorification of which his life had been devoted, his resolution gave way. His famous speech of March 7, 1850, brought down upon him a howl of denunciation from the Northern enthusiasts, and only served to hasten the crisis which he was so anxious to avert. Thenceforward the signs of the times were in speeches like Charles Sumner's in the Senate upon the "Crime against Kansas," and the response in the assault upon him in the senate-chamber by Brooks of South Carolina; in events like John Brown's invasion of Virginia and the struggle for supremacy in Kansas; but nowhere on the horizon was to be seen anything like a statesmanlike attempt at conciliation or peaceful solution of the problem. The secrecy of the committee system and the absence of personal responsibility concealed from public view the preparations which were making on the part of the South, including the transfer of arms and munitions from Northern arsenals, and after the election of Lincoln the firing upon Fort Sumter burst upon a North equally astonished and unprepared.

It may seem to be a forced comparison between the anti-slavery conflict in the United States and the first parliamentary reform in Great Britain, but the parallel is quite sufficient to furnish an illustration. In the one case the division line was sectional or, so to speak, perpendicular, and in the other social or horizontal, the last being by no means the easiest to deal with, as the United States may yet have occasion to learn. Up to the time of Lincoln's election the action of the North was almost wholly emotional or based upon an idea, its material prosperity having been very little affected, certainly not to the extent of making it a ground for civil war. The South again had really been very little interfered with. They had won in every political contest and their domestic affairs had not been touched at all. They flew to arms to arrest disaster which was wholly prospective, and because they had been excited by insult and abuse. In Great Britain, on the other hand, the material suffering since the close of the Napoleonic wars had been very great. The fall in the prices of grain had filled the landowners with dismay. The invention of machinery, the cessation of government expenditure, and the return to specie payments had caused widespread distress among the poor, who felt the pain without understanding the cause. The Manchester massacre¹ had furnished for both sides the taste of blood, while arming was going on all through the country. And just at the height of the struggle came the French Revolution of July, 1830, shaking thrones throughout Europe, and furnishing a stimulus to agitators and a spectre of dread to those who had most to lose. The remedy looked to in this crisis was a complex reorganization of the House of Commons by a redistribution of seats. Suppose that the contest had been carried on through the country by violent denunciation between the poor and the rich ; that

¹ See Chap. VI.

in a House of over six hundred members every one had been at liberty to propose and insist upon a scheme of his own without any mediating authority to reconcile them; that different parts of these schemes had been referred to committees appointed by the Speaker and struggling in private under immense pressure of intrigue and wire-pulling, while, as year after year of delay and impotence passed by, the fire of mutual exasperation was burning hotter and hotter. Could there have been any other outcome than civil war? And though the upper classes might have put down resistance by military force, it would have left Great Britain in the condition in which Italy, France, and Germany passed the next thirty years, with a bitterness of class hatred nursing the seed of future revolutions.¹

Suppose, on the other hand, that in the United States, from the beginning of the century, a cabinet representing the whole country had regularly held a place in Congress and had been looked up to habitually by the country as the guide and arbiter in disputed questions; that when the first excitement showed itself in the North, the conservative classes had joined together to deprecate violence, to urge leaving the disposition of the subject to the national government, and to assure the South of their anxiety to arrive at a fair and just settlement. The agitation would then have taken the form of electing a President who, with his Cabinet, would consider what was to be done, a question not of quarrelling but of votes.

An executive thus constituted would have been assailed by both sides with eager appeals for a favorable decision. With the full discussion and evidence before the country and a deep sense of the gravity of the situation, that executive would have prepared a measure which we may assume for the purpose of illustration: "As it is evident that the

¹ Compare Chap. VI. as to the actual course of events.

North with its increasing wealth and population will not long tolerate a union with slavery, and as the South cannot be expected to sacrifice an institution which is the basis of its material prosperity without full compensation, it is proposed to pay the sum of one (or two) hundred dollars for every man, woman, and child now held in slavery, the adjustment of valuation of age and sex to be made by each State government; its proportion of money to be handed over to each State government in instalments after five years from January 1 next, provided such State government shall by that time have declared the emancipation of the slaves and the extinction of slavery within its borders; and for that purpose there will be issued four (or eight) hundred millions of government bonds in such instalments as may be requisite."

Of course the scheme would have been met on both sides with fierce and contemptuous refusal. But for both sides to denounce a proposition is a different thing from denouncing each other. After the first explosion, arguments would begin to be weighed. The executive, while adhering to the main point, would postpone a decision. Speakers would be sent out, whom the South would not shoot for asking them to sell their property at a high price, nor the North hoot to silence for asking the people to put their hands in their pockets to get rid of an evil for which the whole nation was responsible. Impracticable as the plan may appear to those who remember or know the history as it was, it would certainly not have been more difficult of accomplishment than was the measure of parliamentary reform successfully carried through in Great Britain

If in the end some such scheme had succeeded, not only would it have offered infinite advantage over the arbitrament of civil war, but it would have made certain that no domestic discussion could ever after arise in this

country which would not be settled by peaceful means ; while if all such attempts had failed, the North, instead of having all the nations of Europe against it when the struggle finally came, would have commanded the sympathy of the civilized world. As it was, great as was the result achieved, there remained the fatal precedent that armed force is the natural and only available means of solution of political difficulties, a lesson which unless averted by reforms in our methods of government can hardly fail to bear evil fruit at no very distant day. Its prospective effect upon the treatment of foreign affairs is hardly less manifest.

CHAPTER XX

PUBLIC FINANCE

GOVERNMENT, like most human affairs, resolves itself in the end into questions of finance. Probably few persons reflect how closely the life of the individual is bound up with money ; that from the time an infant is born into the world till the man is left in his grave there is not an action or an event, and hardly even a thought, in his existence which does not involve the intervention of money. In the subdivision into small sums and the aggregation into large it is almost as plastic as the atmosphere and as essential to the continuance of human life. It may seem like modern materialism to say that there is upon the whole no element so essential to happiness, but the edge of the remark is taken off if we add that this does not depend upon the quantity but the management of money. The day laborer who through life succeeds in maintaining a surplus, however small, of income over expenditure, and can see his way to support, even on the smallest scale, in his old age, is a more independent and a happier man than the millionaire who finds his income inadequate to the indulgences which he regards as necessities.

The national housekeeping is but the aggregate of the individual. If it is well and carefully conducted it furnishes the strongest of examples to the whole nation. Taxes are paid cheerfully if they are felt to be economically and judiciously expended, and if they are seen to be equitably and considerately imposed. Disordered finances, on the other hand, are both a symptom and a cause of

moral disorder in a people. The civil war, which broke out in England under Charles I., turned upon ship-money, or the right of the Crown to lay taxes without the consent of Parliament, which was the concrete expression of a great variety of grievances. The immediate cause of the first French Revolution was public bankruptcy, even while the resources of the nation were amply sufficient to meet all obligations, and this again was only the summing up of infinite abuses of all kinds which had grown up in the lapse of centuries. The revolt of the American colonies from Great Britain was based ostensibly almost entirely upon questions of taxation, and though our Civil War arose upon slavery as a cause, finance very quickly asserted itself as the main element in its conclusion.

It has already been argued¹ that the British national finance is the first in the world, not because Parliament is composed of any better material than our Congress, still less because the population of Great Britain is any better than that of the United States, but because the whole initiative and control of financial legislation is in the hands of the chancellor of the exchequer, subject only to a veto by Parliament. We have now to examine the effect upon public finance of conditions exactly reversed, when the initiative of financial legislation is in the hands of two bodies of men respectively of 356 and 90 equal members, any one of whom can introduce any proposition he pleases; while the duty of evolving some order out of this chaos is intrusted to one committee of the House on Ways and Means, and a number on Appropriations, and one in the Senate on Finance, all made up of local representatives not at all responsible for administration, all working in secret with perfect security against any effective public debate, and among whom there is but one common motive force, — the success or the defeat of a party; to which must

¹ Chap. VI.

be added that the official head of the finances has no voice in the matter whatever, while even the President has only a negative on whatever schemes Congress may work out.¹

As this work does not profess to be historical we may begin with the close of the Civil War. And there is the more reason for this as finance, like the rest of the government, was during the war practically under a despotism, Congress doing obediently almost everything which Mr. Chase required; and again as criticism of any management in such a crisis would not be fair especially in view of the conditions which existed when it broke out.

The maximum of the public debt as given in the reports of the Secretary of the Treasury for the end of each fiscal year was:—

On the 1st of July, 1866	\$2,773,236,193
On the 1st of July, 1893 ²	1,545,985,686
Decrease in twenty-seven years	<u>\$1,227,250,507</u>

In other words, besides interest on the debt, forty-five and a half millions of dollars had been raised annually on the average by taxation of the people towards payment of the principal. It is one thing to maintain the fallacy that “a national debt is a national blessing” and quite another to say that when once a debt has been contracted it is not wise to be in too great a hurry to pay it off. When the English first achieved a surplus in their annual balance soon after 1840 by means of the income tax, their declared policy, which has ever since been adhered to, was to relieve

¹ Compare what is said in Chap. XVII. as to the distribution of appropriations among several committees. The recklessness of expenditure, regardless of revenue, and the impending increase of public debt, are likely before many years to furnish some startling illustrations of the results of trusting the public finances to an uncontrolled legislature. Compare also Chap. XV. as to finance in the French Chambers.

² The last year in which there was any surplus of revenue.

taxation rather than to pay off debt, on the ground that money in the pockets of the people was worth more to them than the interest on the national debt. The wisdom of this course is further shown by the fact which might easily be established that under the changed conditions of the monetary system the nation has gained by postponing payment of the debt at least an equivalent amount; in other words, that the Treasury could to-day more easily pay a debt of twice the amount than it could have paid the present debt in the years from 1820 to 1850.

The average interest on our public debt up to 1880 was certainly not more than six per cent., and the commercial rates of interest prevailing up to that time show that the people could well have afforded to keep the money instead of paying it out for taxes, and this would be much more strongly true if the interval had been made use of to restore the currency to a sound condition. After that time the bonds were purchased by the government in open market at premiums so large as at one time to save not more than one and a half per cent. interest for the unexpired period. There can be no question that money was worth much more than that to the people.¹

But the figures given above do not tell the whole story.

From the debt on the 1st of July, 1866	.	.	.	\$2,773,236,193
Deduct cash in the Treasury	.	.	.	137,200,007
Leaving net debt	.	.	.	<u>\$2,636,036,186</u>
From the debt on the 1st of July, 1893	.	.	.	\$1,545,985,686
Deduct cash in the Treasury	.	.	.	707,016,210 ²
Leaving net debt	.	.	.	<u>\$838,969,476</u>
Difference 1866 to 1893	.	.	.	\$1,797,066,700

¹ See report of the Secretary of the Treasury for December, 1888, with an earnest protest against such waste of the people's money.

² Consisting of gold, silver, and the various kinds of paper.

Making the annual average sixty-five and three-quarters millions received from the people towards paying the principal of the debt.

It has been said that the introduction of civil service reform pointed to the use of money in politics and that it was partly in consequence of this, though the change had begun some time before, that the Republican party, which had held control of the government for so many years, became naturally identified with high protective duties. Some interesting results of the situation will appear from the following table, giving the surplus of the government revenue above ordinary expenditure, including interest on the public debt but exclusive of bonds purchased for the sinking fund:—

YEAR ENDING JUNE 30.		YEAR ENDING JUNE 30.		YEAR ENDING JUNE 30.	
1875	\$13,376,658	1883	\$132,879,444	1891	\$37,239,762
1876	29,022,241	1884	104,393,625	1892	9,914,453
1877	30,340,557	1885	63,463,771	1893	2,341,674
1878	20,799,550	1886	93,956,588	1894	¹ 69,803,304
1879	6,879,300	1887	103,471,197	1895	¹ 42,805,223
1880	65,883,653	1888	119,612,116	1896	¹ 25,203,245
1881	100,069,405	1889	105,053,443	1897	¹ 18,052,455
1882	145,543,810	1890	105,344,396	1898	¹ 38,047,247

If we consider that the interest on the public debt never at its highest point exceeded one hundred and fifty-one millions, and at its lowest point in 1893 stood at twenty-three millions, it appears how great a burden has been imposed upon the country, not for the purpose of paying off the principal of the debt, though that was the effect, but for the sake of maintaining the high protective duties upon which the pecuniary resources of the domi-

¹ Deficit.

nant party were dependent.¹ But a new danger presented itself. The debt was rapidly approaching extinction. The national banks were beginning to be alarmed lest if all the government bonds were paid off the basis of their currency issues might be wanting. Moreover, as the surplus revenue constantly drew into the Treasury the notes and gold which formed the reserves of the banks, a practical contraction of the currency and consequent stringency of money could only be avoided by releasing the accumulation in the Treasury through the purchase of bonds at however high prices, and this could obviously be continued only while there were bonds to be purchased. Something must be done, but the natural and obvious resource of reducing the tariff till the revenue was cut down to the expenditure by no means suited the views of the party in power.

There was, however, an expedient which seemed to answer all requirements except the trifling one of the public welfare. There was a half-million more or less of persons who of themselves or by their relatives had taken part in the Civil War. If each one of them could be provided with a pension, to include arrears from the close of the war, the surplus revenue would be disposed of for a long time to come. More than this, a permanent stock of gratitude would be provided for the party distributing such beneficence, and particularly furnish a claim to the support of the Grand Army of the Republic, a body which has shown signs of an ambition to add the victories of politics to those of war. This policy had also the advantage of offering effective instruments for the work in the shape of pension agents, keenly alive to

¹ Lest this should be interpreted in a partisan spirit it may be said that the Republicans are referred to only because they have so long held control of the government. The Democratic party would certainly have done no better. The real difficulty is in the organization and working of Congress as a whole.

the chance of a handsome commission. So every village in the country, that is to say in the northern part, was deluged with inquiries whether any and how many persons there were who could furbish up a war record as the basis of a claim upon a paternal treasury. Every person who had scratched his finger, or had his digestion impaired by the imperfect cooking of a military camp, found ardent sympathizers to work up his case and present it to a representative body more than willing to give it favorable consideration. Another table for twenty years, parallel to that given above, will show the effectiveness of this device in promoting its original purpose of disposing of the surplus.

AMOUNTS OF THE PENSION LIST FOR THE YEARS ENDING
JUNE 30

1875	\$29,534,000	1883	\$66,012,573	1891	\$124,415,951
1876	28,297,395	1884	55,429,228	1892	134,583,052
1877	27,963,752	1885	56,102,267	1893	159,357,557
1878	27,137,019	1886	63,404,864	1894	141,177,285
1879	35,121,482	1887	75,029,101	1895	141,395,229
1880	56,777,174	1888	80,288,508	1896	139,434,000
1881	50,059,279	1889	87,624,779	1897	141,053,164
1882	61,345,193	1890	106,936,855	1898	147,452,368

It thus appears that in the last twenty-four years, besides paying off so much principal of the public debt, we have raised over two thousand millions of dollars to be distributed among less than a million of persons at the expense of the other sixty-nine millions. It seems like the irony of fate that while not one dollar of this golden shower descended upon the seceding States they have had to pay their full share of the taxes by which it was maintained. Although no war indemnity was formally imposed upon the South, it has in no wise escaped the payment of one:

a striking commentary upon the spirit of justice and magnanimity in the government as compared with that of the people. It must be admitted that many Southern members have voted for the system of pensions, probably, so far as party reasons and consequent personal advantage do not enter in, with the idea of showing that they loyally accepted their fate.

A financial system in which expenditure is arranged by one set of men and revenue by another set, the two acting quite independent of and with very little reference to each other, is not likely to insure very accurate estimates in advance. It is not surprising, therefore, that the estimate of the Secretary of the Treasury as late as the preceding December in each year should have compared with the facts as follows : —

Fiscal year ending June 30, 1894:—

	REVENUE.	EXPENDITURE.	DEFICIT.
Estimate	\$430,121,365	\$458,121,365	\$28,000,000
Actual	372,802,495	442,605,799	69,803,304

Year ending June 30, 1895: —

Estimate	\$424,427,748	\$444,427,748	\$20,000,000
Actual	390,373,203	433,178,426	42,805,223

Year ending June 30, 1896: —

Estimate	\$431,907,407	\$448,907,407	\$17,000,000
Actual	409,475,408	434,678,654	25,203,245

Year ending June 30, 1897: —

Estimate	\$407,793,120	\$472,293,120	\$64,500,000
Actual	430,387,167	448,439,622	18,052,455

Nor was it any more out of the way that the budget, which on June 30, 1893, showed a surplus for the year though greatly diminished still amounting to two millions, should give on June 30, 1894, a deficit for the year of sixty-nine millions.

It had been evident that this result was coming, and the Secretary, in his annual report, had urged upon Congress to authorize the borrowing of money in convenient forms. Why Congress refused to do so will appear when we come to the subject of currency, but it did refuse, and the President was obliged to go back twenty years to the Act of January 14, 1875, which authorized the issue of bonds for the purpose of redeeming the government currency, though it neither enjoined this nor made any suitable provision for it. The form of the bond went back still five years further, and, bearing four to five per cent. interest, could only meet modern requirements by being sold at a premium so large as to interfere seriously with its acceptance in the market. Moreover, these bonds were payable in "coin," and, as there was arising a fear that the government might not only pay its notes but its bonds in silver coin, this form of bond was especially objectionable. The President had no choice, however, but, of his own motion and without any authority from Congress, to take the protection of the Treasury into his own hands. It is significant that the loan advertised November 13, 1894, when Congress was not in session, brought a much better price than the two which came after when Congress was at hand to exercise its baneful influence. Fifty millions were offered of five per cent. bonds having ten years to run. One bid for the whole amount was accepted of 117.077 per cent., which made the rate of interest to the buyer equal to 2.878 per cent. per annum for the ten years.

The relief was, however, but temporary. The gold reserve of the Treasury, which is the reliance for the protection of the government notes, again declined. The House of Representatives, on the 7th of February, 1895, refused, by a vote of 162 to 135, to pass an Act to issue bonds payable in gold, and on the 8th President Cleveland, again of his own motion and without explicit author-

ity from Congress, made a contract with a private firm for sixty-two millions of four per cent. thirty-year bonds at a price which would pay three and three-quarters per cent. interest. The President at once sent a message to Congress stating that he had made this bargain, certainly unfavorable on its face, but that he had secured an option for ten days of substituting a three per cent. bond at par if Congress would pass a resolve making it definitely payable in gold, and that the saving to the country in that way would be over sixteen millions during the life of the loan. That body, however, being much more ready to resent executive independence than to exercise any care of the public finances, limited itself to abuse of the President, and allowed the option to pass by.

A year had hardly elapsed when the gold reserve of the Treasury again called for aid. Congress was again in session, and still neglected to make suitable provision for the wants of the Treasury. The House characteristically maintained that what was wanted was revenue and not gold, and, for obvious reasons, proposed a horizontal addition of fifteen per cent. to the tariff. The Senate would have nothing to do with either a bond or a tariff bill, but resolved, as a timely expedient, in favor of the free coinage of silver at a 16 to 1 ratio, which the House, in its turn, refused to adopt. The President, therefore, recurred once more to the Act of 1875. As fault had been found with the private contract, notwithstanding that it carried a very favorable option which Congress refused to adopt, public bids were invited on the 5th of February, 1896, for one hundred millions of the thirty-year four per cent. bonds. The offers amounted to nearly five hundred millions, and the bonds were taken at a price equal to three and three-eighths per cent. interest, and rapidly advanced to a point which made the interest three and one-eighth per cent. per annum. There was a widespread expression of

satisfaction that holders of capital had still confidence in the good faith of the government, notwithstanding the efforts of Congress to destroy it.

Thus, within less than eighteen months, and in a time of peace, we had added two hundred millions to the funded debt, partly to replace bonds which had been anticipated at one and one-half per cent. interest for the sake of getting rid of a surplus of revenue caused by excessive taxation in the interest of a party.¹ It cannot be said that in this history there was any considerable amount of personal corruption. It was mainly the management of a disorganized body, with no motive or coherent force except party, and with that party force by the terms of its existence based upon private interest. Still less can this mismanagement be charged to universal suffrage, since the people cannot provide organization, and in the selection of men have done their best in guarding against open and personal bribery. The wonder is not that there is so much corruption, but that there is so little.

The shortcomings as to the public debt are, however, trifling as compared with those in the currency. If we take into account the universality of money as an instrument of exchange which has already been alluded to, it may well be said that there is no subject with which government has to do more important to the welfare of a

¹ The door once opened was not to be again closed. On the 13th of June, 1898, public subscriptions were invited for two hundred millions of three per cent. ten-fifty year bonds payable interest and principal in coin. The aggregate bids amounted to over fifteen hundred millions. The effect of such a display of apparent wealth upon the appropriating committees of Congress may be imagined. Shortly after the Prussian War a public loan was invited in France for a part of the two milliards of indemnity exacted by Germany. The London *Punch* gave a picture of Prince Bismarck reading the total of subscriptions, paralyzed with astonishment, and exclaiming — "Twenty milliards !!! And they say I robbed them."

people. Short of war there is no agency which can produce such widespread disaster and suffering as a bad currency, for though it does not act mainly like war by the destruction of property, yet by the fluctuation and uncertainty of individual fortunes it produces almost as great evils. The words of Sir Robert Peel in the debate on the currency in the House of Commons on May 8, 1844, are worth quoting.

There is no contract, public or private, no engagement, national or individual, which is unaffected by it. The enterprises of commerce, the profits of trade, the arrangements to be made in all the domestic affairs of society, the wages of labor, the transactions of the highest amount and of the lowest, the payment of the national debt, the provisions of the national expenditure on the one hand, and the command which coin of the smallest denomination has over the necessities of life on the other, are all affected by the decision which we may come to on this great question. When we look at the fluctuations which have taken place in our currency, defeating all the calculations on which commercial enterprise could rest, our gratification will be of the highest and purest kind if we prevail on the House to adopt a measure that will give steadiness to the character of our resources, which will inspire confidence in the circulating medium, which will diminish all inducements to fraudulent speculations and gambings, and insure its just reward to commercial enterprise conducted with honesty and secured by patience.¹

It may be interesting to examine what has been the relative success of the British government and our own in dealing with such a question; and in discussing government action upon this important subject it will be necessary to consider first the theory which underlies it. Though the theory here stated may be fiercely disputed by many authorities, it will serve at least for the purpose of illustration. Supposing for a moment that all money was of gold, how is it distributed among the various countries of the world? If any country has rich gold

¹ Words which speak volumes in their application to the subsequent history of Great Britain and of the United States of fifty years later.

mines, as for instance California in 1849, it wants everything else, and prices are high in gold. Goods flow thither from all quarters and gold is taken away till, just as water seeks its level, an equilibrium of prices is established. This may be modified by distance, cost of transportation, mistaken speculation, etc., but such is the general result.

Next suppose that one country makes use of paper money redeemable in gold, whether issued by the government or banks. The effect is the same as if so much gold was discovered — prices rise, imports increase, exports decrease, and the excess of money flows off in the form of gold, until the residue of gold and paper combined, though with a smaller proportion of gold, has reached the monetary level of the world. Each of many countries may have its own paper money, the whole forming so many lakes or reservoirs, connected together by the common ocean of gold. If any one country exceeds its due proportion, though it may be concealed for a time by borrowing abroad or similar expedients, yet the result must sooner or later be a suspension of specie payments with a premium on gold, or in other words a discount on the paper. Of course this may be averted by a reduction of the quantity of paper, which will in its turn reduce prices and stop export or cause an import of gold; but if this is done suddenly and under the impulse of panic it may go farther than is necessary, and disturb values and prices in a way to cause bankruptcy and disaster. This effect is greatly increased by the use of what may be called credit money as distinct from paper money, that is, what is known by the name of bank deposits. For example, A presents a note of \$5000 at his bank for discount, and the bank, as we may for the present purpose disregard the interest, gives him a pass-book with \$5000 written in it. This constitutes the bank's promise to pay just as

much as if it were so many bank notes. A gives a check to B, and the amount is transferred on the bank's books to B's credit, remaining, however, still the same promise to pay. B may transfer by check the same amount to C, and so on until at the end of six months Z gives his check to A, who pays his note at the bank and cancels that amount of credit money. If there are many banks in one city the clearing house makes them all like one bank, the checks being exchanged and the transfers made there. All of what the banks call deposits, so far as they are in excess of cash on hand, are, and must be, of this nature, — promises to pay on demand given in exchange for other promises on time, and cancelled by the payment of those promises. They act precisely like paper money in increasing the currency of a country, disordering its relation to the rest of the world, causing unfavorable foreign trade, export of gold, and, unless sufficiently restrained, a suspension of specie payments. They are, however, liable to contraction in case of panic even more suddenly and violently than paper money. Thus in June, 1892, the deposits of the national banks in New York were 543 millions. In July, 1893, fourteen months after, they were 370 millions, a shrinkage of thirty-two per cent, while in November, 1894, they had returned to 595 millions. No doubt a part of this was by draft from the banks in other parts of the country, but a large part came from the cancelling of deposits by enforced payment of loans, which had shrunk in the first period from 493 millions to 406, or eighteen per cent. It is impossible to give any idea of the wreck of individual fortunes, the hardship and distress of persons dependent upon labor which result from a bank panic like this. In like manner the deposits of all the national banks of the country were on the 9th of December, 1892, 1764 millions; on the 3d of October, 1893, 1451 millions, a shrinkage of eighteen per cent.

In December, 1898, the deposits of the New York banks exceeded 800 millions. What may be the amount and effect of shrinkage in the next financial panic it is impossible to foresee, but the consequent distress and exasperation will have results both social and political.

It will show the vast change which has come over the country if we consider that the deposits in all the banks of the United States up to 1860 did not exceed 250 millions, while thirty-five years later they were : In national banks, as above, 1764 millions ; in State banks and trust companies, 1258 millions ; a total of 3022 millions.¹

But the whole story is not yet told. It is a simple proposition that one dollar which passes through ten hands and makes ten purchases furnishes just as much money as ten dollars which change hands but once. In times of excitement and confidence, when everybody is buying and selling, and money — including bank deposits — is circulating freely, prices rise, or, in other words, rapidity of circulation has the same effect in disordering the relation to other countries and the course of foreign trade and in causing an export of gold, as increase of gold or paper money or bank deposits, while it is much more liable than any of them to violent fluctuation in time of panic. No apology seems necessary for introducing a table so instructive as the following : —

¹ Report of the Comptroller of the Currency, December, 1895.

CLEARINGS OF THE NEW YORK BANKS FOR THE YEARS
ENDING OCTOBER 1 (IN MILLIONS)

1854	\$5,750	1866	\$28,717	1877	\$20,876	1888	\$30,863
1855	5,362	1867	37,407	1878	19,922	1889	34,796
1856	6,906	1868	27,004	1879	24,533	1890	37,660
1857	8,333	1869	29,300	1880	37,182	1891	34,053
1858	4,756	1870	32,636	1881	48,565	1892	36,319
1859	6,448	1871	29,300	1882	46,552	1893	34,421
1860	7,231	1872	32,636	1883	40,293	1894	24,230
1861	5,915	1873	33,972	1884	34,092	1895	28,264
1862	6,871	1874	20,851	1885	25,250	1896	29,350
1863	14,867	1875	23,042	1886	33,374	1897	31,327
1864	24,097	1876	19,875	1887	34,873	1898	39,853
1865	26,032						

Observe the small beginnings of 1854; the gradual increase till the panic of 1857 reduces the amount by nearly one-half; how the quick recovery was again prostrated at the opening of the war; how rapid became the expansion with the suspension of specie payments, until, when our paper money had depreciated one-half, that is, when business was done at double prices, the transactions amounted to six times what they were eight years before; how, with the return to specie payments, the transactions from 1873 to 1878 diminished by nearly one-half; how, with the issue of government legal tender paper against purchases of silver, they advanced till, in 1881, they touched the highest point ever reached; and how in 1885, and again in 1894, they showed a collapse of twenty-seven and thirty per cent. respectively. If, now, we consider how profoundly such statistics enter into the national life, we can feel the importance of steadiness in the management of such tremendous yet delicate machinery, and how disastrous may be its working in the hands of a large and

disorganized body of men absorbed in the pursuit of party intrigues.

From the view thus taken it appears that the relation of the money of any one country to that of the world, the solvency of the issuer being presupposed, must depend upon the quantity not merely of the paper money itself, but upon the deposits of the banking system and the ever fluctuating rapidity with which those deposits circulate by means of checks. From this it follows that it is wholly futile to compare the actual money of countries by the amount per head of population, because that leaves out of sight the other elements which upset the whole calculation. Equally idle is it to try to determine the proper amount of money by the "wants of trade." Trade will take any amount, more money merely meaning higher prices, and as rising prices means apparent profits, trade wants all the money it can get. In like manner the popular phrase 'elasticity' means indefinite expansion. In defence of currency issued by banks it is often said that they cannot put out more than trade requires. But in times of speculation and rising prices the banks furnish fuel which is readily absorbed in the shape of an excess of currency beyond the normal average and beyond the proportion to the specie of the world; and then when the revulsion comes the rebound is too much the other way and the banks in order to save themselves and to redeem the notes, as well as to meet the demand of depositors rushing in upon them, are compelled to make violent exertions, the cost of which is paid by the public at large.

There is but one effective measure of the safe expansion of a monetary system and that is the out- or in-flow of gold. But even this does not operate with any regularity. Gold may be a normal product of a country and exported like any other. How is it to be shown that such export is excessive? Then again the effect of unfavorable foreign

trade may be concealed by borrowing abroad and by ill-judged speculations and show itself later and all at once with disastrous suddenness. All that can be done is to make the index as sensitive as possible.

For this purpose the most important provision of all is the separation of currency from banking. If the currency is issued by banks then the reserve of gold which a bank holds for its redemption is equally subject to the claims of note-holders and depositors. But the deposits are usually in large amounts and are always more or less unstable, so that, if distrust comes either of the currency as a whole or of a particular bank, a few large depositors can not only exhaust the reserve and cause the failure of that particular bank, but can produce or greatly aggravate distrust of the currency itself and therefore of other issuing banks, and so bring down upon them both their depositors and note-holders. And though the banks may all maintain their solvency, yet from their efforts to do that there results a panic productive of infinite commercial distress, far beyond what is implied in correcting an excessive quantity of local currency as compared with that of the whole world and shown by the adverse state of foreign trade. In other words, the maintenance of a proper currency is mixed up with the solvency of the banks, thereby risking great and unnecessary disaster to a whole country.

A second provision for the same purpose is that the currency of a country should be made a legal tender everywhere in that country except at specified places of redemption. The opponents of government paper generally base their objections upon its being a legal tender. But even gold coin must be a legal tender for obvious reasons. In modern commerce there are hundreds of thousands of notes and obligations maturing every day at a certain hour and mostly paid within one or two hours, which must be met on pain of bankruptcy. It is not possible to have any

question even with gold coin and bullion as to what will pay those notes, because creditors often wish to embarrass their debtors and because collecting agents like banks must have something which will relieve them from responsibility. There must be some money which the law says if tendered by the debtor shall be accepted by the creditor or the debtor go free. The intrinsic value of coin is of use only in international relations and as a check upon any sudden increase in the quantity of currency. The individual cares only to be sure that the currency with which he deals will be accepted in all transactions.

We are now in a position to examine the English treatment of the currency question. During the Napoleonic wars the Bank of England note was practically an inconvertible legal tender just as much as the French *assignat* or our greenback, but so skilful was the management under the chancellor of the exchequer that the premium on gold during twenty years of a life-and-death struggle, in which all Europe was involved, never exceeded fifteen or twenty per cent.; and four years after the battle of Waterloo, specie payments were resumed. For twenty-five years the currency was in an unsatisfactory condition, with financial panics and narrow escapes from suspension of specie payments. A commission of experts was appointed who, after a thorough examination following the lines of the bullion committee of 1810, made a report. Upon this report Sir Robert Peel prepared an Act, which is known by his name as well as that of the Bank Act of 1844. It has now been in operation for half a century; and even those who deny the soundness of the theory must admit that it has given almost complete satisfaction, that no effort has been made to disturb it, that there has never been the slightest question of specie payments, and that bank crises, though the banking system has been immensely

extended, have diminished greatly in frequency and severity.

The principle of that Act was as follows. Starting with the separation of currency from banking, it was said that if there was a pound, or as we should say a dollar, of gold behind every note issued, a failure of specie payments would be of course impossible. But this was not necessary. A certain amount of money was indispensable for transacting the daily business of the country. Before the paper money was reduced to this point the contraction and fall of prices would be so great that the necessities of business would prevent the presentation of notes for redemption, and meanwhile gold would be attracted from abroad in quantities sufficient to remove all danger. This security would be greatly increased if the notes were made a legal tender everywhere in England except at the place of issue, and thus the question of specie value of the notes kept wholly separate from that of whether the notes would be always safe for debtors as against creditors. The specie value was to depend upon the quantity of the notes alone. Upon this theory it was provided that the notes issued by the private and joint-stock banks should be limited to the amount in existence on a certain day in 1844, say, £8,600,000, to which should be added £14,000,000 issued by the Issue Department of the Bank of England upon government debt, and that this total of £22,600,000 should constitute the circulation uncovered by gold. Beyond this that department was compelled to buy all gold offered at £3 17s. 9d. per ounce, and to give its notes in exchange, while, on the other hand, it was compelled to redeem in gold coin any of its notes presented, and to reduce the total amount by destroying those redeemed.

The advantages gained were: 1. A suspension of specie payments was physically impossible. Three times

within twenty-three years after the Act was passed, in cases where severe panic was threatened, the chancellor of the exchequer, upon application of the Bank of England, suspended the operation of the Act (a very different thing from suspending specie payments) so far as to allow an increase of the uncovered notes, the Banking Department at the same time, in order to check unnecessary demands, being requested to make no loans at less than ten per cent. interest. The permission was only once made use of, and that to a trifling extent, as the moral conviction was sufficient that money could be obtained at some price if needed; and when the feeling of panic passed away, the excess of notes was quickly withdrawn.

2. Being made a legal tender except at the place of redemption, the notes had in effect the government guarantee, and the question of security was in no way mixed up with that of quantity.

3. As the gold in the Issue Department is held against the notes exclusively, the depositors in banks have nothing to do with it, the gold in the banks being kept merely for purposes of change. No failure of a bank, therefore,—even of the Bank of England,—could have any effect upon the currency without action of the government.

4. While the current export and import of gold are a matter of indifference, as soon as they are caused by too much or too little currency, whether in the form of note issues, bank deposits, or rapidity of circulation, this must be shown by the action upon the Issue Department; a continued decrease of gold giving notice to the business of the country that, through contraction of the currency, lower prices and higher rates for money must be prepared for, while a continued increase of gold points to higher prices and lower rates for money. By a recent return, the Issue Department held 46 millions of pounds sterling,—say 230 millions of dollars in gold,—held exclusively

against the note issues and forming a basis of bed-rock for the vast superstructure of deposit banking with its rapidity of circulation. This reserve, be it observed, is entirely independent of any fluctuations of banking or of government revenue or expenditure. 5. As the Act cannot be changed without the initiative of the chancellor of the exchequer, no matter how many interests may intrigue against it, the country goes quietly on its way in perfect security that no revolutionary action will imperil the basis on which all its transactions proceed. While, therefore, Great Britain maintains forty millions of inhabitants in a space but little larger than New England with the State of New York, it may safely be said that in the last fifty years she has suffered less of strictly commercial distress than the United States with seventy millions spread over their vast area with its unbounded resources.

We will next consider the course of currency legislation in the United States. Down to the Civil War the currency may be said in general to have been furnished by State banks. The field was left to them by the discontinuance of the United States Bank in 1811, but within four years their difficulties had led to the creation of another bank by the federal government. This was practically put an end to by the removal of the deposits by President Jackson in 1832, and after 1840 through the establishment of an independent treasury the government conducted its own business in specie and swung clear of paper currency and of State institutions. These were conducted on varying systems and with different degrees of credit in different parts of the country. Years were needed for recovery from the panic of 1837, and that of 1857 was just succeeded by restored confidence when the outbreak of the war produced a fresh collapse. In the autumn of 1857 the writer of this work visited a town

of considerable size on the Mississippi River in Iowa. The only money for the use of its inhabitants consisted of tickets issued by a grocer named Florence and it was known by that name, owing its circulation to the absolute necessity of having some money to replace that withdrawn by bank failures. This money was at twenty-five per cent. discount as compared with Illinois State money, which itself was at seventeen per cent. discount for Eastern funds. The ruinous effect upon business is evident.

When the war began there was absolutely no money in the country with which to carry it on. Specie was in trifling amount and the State bank issues were too much discredited for government use. The Northern States were paralyzed, or, if we may keep up the simile of the atmosphere, asphyxiated for the want of an instrument of exchange. Under these circumstances was passed the Act of February 25, 1862, authorizing the issue of 150 millions of Treasury notes, made a legal tender for all public and private debts except duties on imports and interest on the public debt. Those who denounce this Act so violently are bound at least to show what else could have been done. The Constitution gives Congress the power to pass all laws necessary and proper for carrying out other powers expressly given. Hon. Charles Sumner once told the writer that when the vote on the Act was coming in the Senate he and some others were distrustful of it. Mr. Chase being at the time in the lobby Mr. Sumner said to him, "I ask you, for the guidance of myself and my friends, if it is your opinion, as the financial head of the government, that this Act is necessary for carrying on the war?" "Yes," replied Mr. Chase, "it is," and Mr. Sumner and his friends voted for it. Yet this same Mr. Chase, after the war was over and when the benefit of the legal tender money had been received and he was anxious to get rid of it, declared as Chief Justice of the Supreme Court that

the Act was unconstitutional because it was not necessary. On the other hand, on May 1, 1871, a majority of the Supreme Court of the United States decided that the Act was constitutional because under the circumstances it was necessary. Those who object to an excessive government currency, instead of ascribing to the impotence of Congress the failure to devise a remedy for that which having been a benefit had become an evil, limit themselves to denouncing the decision of the court. It would be much more to the purpose if they could show that the Act was not a necessity for carrying on the war.

But apart from the necessity it may be maintained that the Act was not only harmless but beneficial. That the notes would ultimately be redeemed if the Union was preserved was beyond doubt, and there was not a man, woman, or child in the country who was not bound to submit to a forced circulation for that object, especially if the notes were not too much depreciated in the meantime. These notes furnished the means of supplying and maintaining a large army, which without some such expedient would have been impossible. They furnished what the country had never had before,—a uniform money throughout its length and breadth. Being a legal tender they were everywhere received, and exchange from West to East and from South to North, instead of varying by a considerable percentage, never exceeded one-eighth to one-fourth per cent., a blessing which only those can appreciate who know the state of things which existed before the war. They furnished, again, for the first time, that element of which the importance has already been shown,—the separation of currency from banking; without which anything like the present development of deposit banking would have been wholly impossible. Lastly, the profit in the saving of interest upon furnishing the currency, to which the banks are keenly alive, belongs to the

whole nation which uses the currency and not to the banks, which are private corporations. Even at three per cent. the saving on the first issue amounted to the not insignificant sum of four and a half millions per annum.

The real evil of the legal tender system lay in that which is a permanent and almost fatal objection to any government currency,—the question of quantity. As has been said, during twenty years of the Napoleonic wars Great Britain kept the Bank of England note from more than a small depreciation by limiting the quantity and resolutely selling the government debt as low as fifty cents on the dollar. The French *assignats*, because the government would not and probably could not keep them down by funding, were poured out in such quantities that within a few years they had lost all value and disappeared.

In studying the New England colonial currencies it is apparent that the real difficulty was not in their legal tender quality nor even in their inconvertibility, but in the excessive quantity, constantly swelled by the rising prices caused by depreciation, while no attempt was made to check it except by current taxation just when that was hardest to bear. Precisely the same difficulty presented itself in the legal tender currency of the old Confederation of the United States. If the quantity, in either case, had been kept down by funding at high rates of interest, which even at that time might have been possible, and by that means the value of the notes had been kept close to par in gold, the cost of the wars might have been kept within reasonable dimensions, and then in a more convenient time of peace the funded debt redeemed by taxation, if that was thought advisable, without such suffering and loss of reputation. But then as now the government was practically in the hands of a legislature.

With ample resources for carrying out the policy of England the United States took long strides in the direc-

tion of that of France. If the issue of greenbacks had been limited to the first one hundred and fifty millions, and then interest-bearing bonds had been sold at whatever price was necessary to keep the notes at or near par in gold, they might have been pronounced to be the best money the country had ever had, no serious harm would have come from them, and they might easily have been withdrawn after the war was over.

But that was not the policy of Secretary Chase. It may be said that Mr. Chase exemplified the one man leadership, and that Congress, as in other war methods, did just what the executive asked for. But though this was a case of one man power it did not provide for that which is really the main object to be sought,—one man responsibility. He was never subjected to the test of public debate, and if he had been it is not in the midst of a crisis like that that the process of natural selection could go on. Mr. Chase was a lawyer by profession and had a lawyer's ingenuity, but no adequate financial training. His fixed idea was that the bonds must be sold at par and floated at that price with issues of paper money. The result was that while our own citizens paid nominally par for the bonds foreigners bought them at the gold price, which was at one time less than forty cents on a dollar, and as the paper money was measured by the same price of gold all values throughout the country were disordered in the same way. Three times, on February 25, 1862, July 11, 1862, and March 3, 1863, Mr. Chase obtained from Congress Acts providing each for 150 millions of legal tender notes, till that body refused to go any further, illustrating, besides all else, the advantage of having the veto with the legislature. On the 30th of June, 1864, the amount in circulation stood at 448 millions. From various causes it was reduced to 356 millions, at which it stood till within a few years a further reduction of 10 millions left it in January, 1896, at 346 millions.

But Mr. Chase was not so easily diverted from his purpose. On the 3d of June, 1864, was passed an Act to provide for a national bank system, according to which banks organized under the Act were authorized to issue currency to the amount of ninety per cent. of government bonds deposited with the Treasury, and upon which they were to receive the interest. It is not easy to perceive in what way these notes offer any advantage over the greenback. That they offer the assets of the bank as additional security to the government promise is of little consequence, as a government which should refuse to pay its own debts could hardly enforce upon the banks the payment of theirs. They are a legal tender to the United States for all dues except duties on imports, and from the United States except for interest on the public debt and redemption of the national currency.¹ They are also a legal tender for all payments to banks by any persons.² They are redeemable either in gold or United States notes at the option of the banks. The Comptroller of the Currency has the whole burden of preparing and numbering the notes. He then delivers them to the banks, which add the signatures of their president and cashier, and put them in circulation.³ The Treasurer of the United States is also bound to redeem the notes of all the national banks on presentation, and to look to the banks for payment.⁴ That this is no mere form appears from the fact that as all the notes are precisely alike except as to the name of the issuing bank, and as they are a practical legal tender and circulate all over the United States, it is almost impossible to collect any considerable amount of the notes of any one bank for presentation, but the whole redemption and sorting out of the notes for return to the banks is done at

¹ Sec. 5182, Revised Statutes of the United States ; Act June 3, 1864, Sec. 23.

² Sec. 5196 ; Act 1864, Sec. 32.

³ Sec. 5172 ; Act 1864, Sec. 22.

⁴ Act June 20, 1874, Sec. 3.

Washington. Even the fact that these notes are not available for the cash reserves of the banks required by law, and so for the purpose of extending the superstructure of bank deposits, is neutralized by their furnishing general circulation and thus releasing the greenbacks to be used for bank reserves.

The one advantage which the national bank notes might appear to offer is that of limiting the quantity of paper money, but even this can readily be shown to be illusory. For the first year after the Act was passed the amount of notes issued under it was comparatively small, as the State banks were at once reluctant to give up the greater profit of their own modes of issue and to come under the sterner control of the federal government. But after the Act of March 3, 1865, imposed a tax of ten per cent. upon State notes paid out by any bank the work went on briskly. The total amount of national bank notes outstanding was on January 1, 1866, \$298,518,419; on January 2, 1874, \$350,848,236. The lowest point next reached, probably owing to the fear of a return to specie payments, was in September, 1877, \$316,665,958, but again the highest point ever attained was in October, 1882, \$362,889,134. In July, 1891, when the government was buying up bonds till they paid only one and one-half per cent., the amount fell to \$167,927,574, but with the renewed increase of debt and the higher rate of interest it again rose in November, 1895, to \$213,887,630. In December, 1896, it was \$210,689,985, and in October, 1897, \$198,920,670.

All these changes were very gradual and had no reference to varying conditions of trade or of crops, but only to the degree of profit to be had from buying bonds as a basis of circulation. There can be no question that if in time of need the government would declare these notes a legal tender for all debts, or would even continue their existing privileges, and offer its bonds at a slightly

better rate of interest, the notes could be increased to any desired extent. It thus appears that without equivalent service rendered, and assuming the amount of notes to be three hundred millions and the rate of interest to be three per cent., and after deducting the half per cent. tax and the loss of interest on the cost of bonds above ninety per cent., the people of the country are paying at least six millions of dollars annually to the national banks for furnishing a currency which might just as well be issued directly by the government, though this is of itself by no means a sufficient argument for such a government currency.

It will be observed that for some years after 1874 the total paper money was nearly seven hundred millions, or, if we exclude the State bank note currency then still outstanding, nearly twice as much as during the war. But the vast expansion of the business of the country absorbed even this amount, and without any conscious action by Congress the United States drifted back to specie payments in 1878.

One more phenomenon in relation to the currency remains to be considered, — the invasion of silver. By the Act of February 12, 1873, silver was demonetized, being legal tender in any form for no sums larger than five dollars, and thus gold was made the only metallic legal tender of the country. Why this was done, contrary to all previous practice, does not clearly appear, unless it was a following of the example of the German Empire, then so prominent from its victory over France. It was, however, of little consequence at the time, as silver was of equal market value with gold at our standard of 16 to 1, and at the European rate of $15\frac{1}{2}$ to 1 was slightly more valuable abroad. Partly owing to demonetization in Europe and partly to increased production, the price of silver began to fall, and sank rapidly.

In 1873 the market price in gold was	16	to	1
" 1875 " " " " " "	18	"	1
" 1879 " " " " " "	19	"	1
" 1884 " " " " " "	20	"	1
" 1888 " " " " " "	22	"	1
" 1891 " " " " " "	23	"	1
" 1893 " " " " " "	26	"	1
" 1894 " " " " " "	32	"	1
" 1896 " " " " " "	30 $\frac{1}{2}$	"	1
" 1898 " " " " " "	36	"	1

When the decline set in the silver mine owners of the West were exasperated by the fall of a product which they had regarded as equal to gold. With the peculiar aptitude of Congress already described for taking care of private interests, these silver men procured the passage of the Act of February 12, 1878, which was passed by a two-thirds vote of both houses over the President's veto. It directed the Secretary of the Treasury to purchase a minimum of two millions of ounces of silver every month and to coin it into dollars, which were to be legal tender equally with gold, and as nobody would undertake to transport such an enormous weight the Treasurer was authorized to give certificates of deposit at first in amounts of ten dollars, but in 1886 for sums of one, two, or three dollars. On July 19, 1890, as a substitute for this, and like it as a compromise under a threat of forcing through an Act for the free coinage of silver at a ratio of 16 to 1, another Act was passed directing the purchase each month of four million five hundred thousand ounces of silver and the issue of legal tender Treasury notes in payment for the same, which last Act was repealed with a kind of sullen protest in November, 1893. Early in 1896 the Senate of the United States passed a vote in favor of the free coinage of silver at the ratio of 16 to 1, from which the country was saved by its resolute rejection by the House, and the chief issue in the presi-

dential election of that year was a question which no other civilized government in the world would waste five minutes in considering. All the resulting agitation and alarm was forced upon the country by the truckling of the Senate of the United States to private interests.

Under the two Acts referred to the Treasury bought five hundred millions of dollars' worth of silver, issuing against them as many legal tender notes, which it might just as well have issued without buying any silver at all. That silver is worthless for purposes of redemption, being of no more relative value than any other commodity, for example pig iron, and having lost while in the Treasury nearly half its cost value by the fall in the market price. Such finance is the direct result of government by a despotic legislature, without responsible leadership and holding its party majority together only by a trading of interests.

Another serious consequence of these Acts is shown in the following extract from the report of the Secretary of the Treasury in December, 1895:—

On the first day of July, 1878, our total circulation, outside of the Treasury, was \$729,132,634, while on the first day of December, 1895, it was \$1,594,195,479, being an increase of more than 118 per cent., although the population of the country has increased only about 27 per cent., and at the same time the use of credit instruments in place of cash has been very greatly increased in all large financial transactions.

That is to say, a large extension of the superstructure of bank deposits has taken place upon this basis of paper money. It is in this item of bank deposits that the greatest danger consists. In the crisis of 1893 there was not the smallest discount as compared with gold on any of our six kinds of currency, gold and silver, gold and silver certificates, legal tender and national bank notes, but there was a discount of three to five per cent. on bank deposits through a large part of the country. The banks as usual

saved themselves by a severe contraction of loans and deposits, but the cost of the spasm was paid by the seventy millions of people who are dependent upon the management of those banks.

As if to leave no stone unturned which could add to the difficulty of the situation, the cash in the Treasury, which is implied in the passage from revenue to expenditure, is so mixed up with the gold held for the redemption of notes as to leave room for discussion whether our trouble is in deficiency of revenue or excess of currency. The Senate jumped at the former conclusion by a vote for free coinage of silver, and the House by proposing a horizontal addition of fifteen per cent. to the tariff, while both of them, in their fear of causing unpopular disaster, refused to take any action towards funding the excess of currency. It is worth noting also that both are anxious to demonstrate the truth of their views by piling up expenditure in every direction except the administrative departments, in pinching which they are ready to go to the extreme of meanness.

Two dangers lie before us, that with a continued expansion of the currency we may be driven to a suspension of specie payments, or, on the other hand, that by spasmodic efforts at contraction without any distinct object in view the country may be subjected to constantly recurring disasters without any definite result. Probably the worst expedient that could be adopted would be the return to a system of issues by State banks, and yet with the subserviency of Congress to private interests, that seems the one most likely to be resorted to. At all events, the most important and threatening domestic problem of the future is that of the currency, while nothing is more certain than that Congress as at present organized is absolutely incompetent to deal with it. In the thirty years since the war closed, so far from arriving at a sound system we have been steadily receding from it, and there is no rashness in pre-

dicting that if we go on for another half-century as we are now all the trouble and disaster we may go through will bring us no nearer to a solution of the difficulty.

Instead of trying to educate seventy millions of people in the complex principles of currency, the advocates of sound money would do well to bend their energies towards bringing Congress into subjection to discipline under authoritative and responsible leadership.

The author has been led to this somewhat dogmatic statement of the principles of currency by the fact that nearly half a century of study and experience, in and out of active business, has enforced strong convictions upon the subject. In fact, it was interest in it which first attracted his attention, immediately after the Civil War, to the political organization and methods of the government. Whether the theory advanced is correct or not does not affect the main proposition,—that the great complexity and vast importance of the subject of the currency, as well as of the whole department of finance, furnish perhaps the strongest illustration of the total failure of our attempt at government by legislature and the imperative necessity of stronger executive government of some kind.

It will hardly be denied that there has been no satisfactory condition of general business since 1893. An undefined dread of some violent change in the currency, not merely owing to the agitation for free silver, but also to the dissensions among the advocates of the gold standard as to what system of currency shall be adopted, in the absence of any firm authority to which the country can look with confidence, has predisposed all minds to panic and distrust. The inability of Congress to deal with pressing financial problems not only had much to do with bringing on the Spanish war, but has tended greatly to increase the exasperation between classes which is perhaps the most threatening symptom of the future.

CHAPTER XXI

THE SPIRIT OF PARTY

WASHINGTON'S farewell address contains, among its other words of wisdom, a warning against the operation of party spirit, and this phrase is often made use of by public speakers without any very clear definition of its meaning. The good or evil of party spirit depends upon the purpose for which the party is formed, upon its organization and methods of action. For example, the members of the original antislavery party have spent the last half of their lives in a state of serene satisfaction with the results they have achieved, notwithstanding the cumbrous and costly process by which these were obtained. If the basis of carrying on the government is to be the wishes of some millions of units, it is evident that they must to a greater or less extent agree in wishing for something. It is equally evident that they cannot all agree in wishing for the same thing at the same time, while if they, or any considerable number of groups, want different things at the same time the result in so far is anarchy. Government is paralyzed, and with the well-known excitability of humanity in groups men begin to confound the importance of the thing wanted with the importance of getting what they want. The clash of contending factions is apt to suggest the clash of arms. The first necessity, therefore, is the formation of large and coherent parties, not merely for the purpose of accomplishing what is desired by the majority of the people, but also for suppressing agitation and social disturbance on behalf

of what may be merely objects of passion or private interest with comparatively small groups, at least until those objects enlist the support of a large minority. It must be observed further that the numbers of a group are not at all to be measured by the noise it makes, that the force of attack of a small but active and determined band may be quite out of proportion to the force of resistance even of a large majority of the people, and that the only way in which this latter force can be made available is through the union of a party. As the late Henry Wilson, certainly as far as experience goes a competent witness, once observed to the writer, the only way to carry on a free government is by organized, drilled, and disciplined parties.

It may be said that an excess of party spirit is what is objected to. But that is only stating what is true of every principle of human action. What is excess? How is it determined, and how is it to be restrained within due limits? The question may be made somewhat clearer if for the word 'party' we read 'faction,' that is, a violent minority seeking to rule in its own interest. Party may be, indeed to some extent must be, an instrument for reaching high and noble ends, while faction never can be anything but an evil. To form and maintain parties, yet to prevent them from degenerating into faction, is perhaps the most difficult task of representative government.¹

¹ The distinction between party and faction seems to be this: that party aims at administrative control, while faction is the propaganda of a particular interest. Party, therefore, contains a principle of conservatism, inasmuch as it must always seek to keep faction within such bounds as will prevent it from jeopardizing party interests. An important consequence of the party instinct of comprehension is the tendency of opposing party organizations to equalize each other in strength. The practical purpose of their formation causes each to compete for popular favor in ways that tend towards an approximately equal division of popular support. Even in the greatest victory at the polls, the preponderance of the triumphant parties is but a small percentage of the total vote. The con-

New parties cannot be formed on constantly changing issues, since to have any strength they must have a certain degree of permanence. The only two nations which have succeeded in forming great national parties are Great Britain and the United States. In other European countries the splitting into groups has almost made representative government impossible. In England, from the Revolution until the first parliamentary reform bill, a period of nearly a century and a half, the names of Whigs and Tories were practically unchanged. From 1832 to the present time the division has been into Conservatives and Liberals, and though the lines have of late been less strictly drawn they have been preserved by other influences to be presently noticed.

In the United States the parties until 1830 consisted of Federals who upheld the power of the general government, and Republicans who leaned towards State rights. With General Jackson grew up the Democratic party, successors to the then Republicans, who fell into their natural and permanent position of looking upon the people as a mass with an authoritative head embodying their will, while over against them stood the Whigs who, in what was perhaps their chief reason of existence, a protective tariff, developed their natural tendency towards an aristocratic character with the belief that governments should be in practice in the hands of the select few. The war swept away these distinctions, and the new Republican party, successor to the Whigs, was built up on antislavery grounds. It is an illustration of the necessity and strength of party, that while the Democrats had no especial reason for resisting the war, and while, in fact, a large part of

servative function of party is not duly appreciated because its operation is negative. What is done is known, but how far the impulse which produced the act has been moderated cannot be known.—HENRY JONES FORD, "The Rise and Growth of American Politics," Chap. IX.

them were thoroughly loyal to the Union, they did keep up a sullen opposition to it. The underlying idea doubtless was that of the original Republican-Democrats, — the right of the several States and their people to judge for themselves.

With the close of the war of course the division line of slavery disappeared and a new basis of the two great parties had to be sought for. In a former chapter (III.) it has been argued that the only effective ways of uniting masses of men are three : self-interest, moral enthusiasm, and enthusiasm for persons. As to self-interest the multitude not only differ very greatly in their ideas but they are liable to be grossly deceived with regard to them. When this is the only motive force power falls into the hands of a few men who, knowing clearly what they want, are able to persuade the multitude that the interest of all is identical with theirs. Moral principles, though much more definite, are still more or less abstract and liable to be exploited by small numbers or bodies of men who make use of them to deceive the multitude for their own purposes. The history of the great religions, Roman, Christian, Mohammedan, Brahmin, and Buddhist, is sufficiently illustrative of this. Personality, when uncontrolled, likewise has its drawbacks, as in a Louis XIV., a Frederick II., and a Napoleon, but it has this advantage, — that it is distinctly visible, and that the multitude can judge it and form an estimate of it. If adequate machinery is provided through a legislature for forming and guiding that judgment and enforcing its behests, then the government will respond to public opinion, being good if that is good and bad if that is bad. Personality has the further advantage that it typifies and concentrates in the public mind a cause or a principle, even as the point of a lightning rod draws lightning from a cloud ; so that the union of the personal with the moral stimulus constitutes the most irresistible of political forces.

Perhaps under no government has this force of personality been so marked and continuous as in Great Britain. Sir Robert Walpole, the elder and the younger Pitt, Lord North, Earl Grey, Sir Robert Peel, Lord Palmerston, Mr. Gladstone, Lords Beaconsfield and Salisbury, form an almost unbroken chain for nearly two centuries. In the hands of these men party has been the most powerful of instruments. That it should upon the whole and in the long run work for good was made secure by the permanent organization of the Opposition in Parliament. As the government was in the hands of individuals who formed the ministry of the time and who were responsible for it, so the Opposition, to give any success to its criticism of and attacks upon the ministry, was compelled to choose its own individual leaders and to follow them obediently. As these leaders would themselves become the ministry upon a change of government they furnished in their attacks in opposition a standard by which they were themselves to be judged, and had to be careful not to exaggerate lest they should put weapons into the hands of their opponents in turn. In this way the standard of public life and conduct in office was gradually but steadily raised in full view of public opinion, the two acting and reacting upon each other.

Of course there were intervals when smaller men were at the head of public affairs. But the traditions of the great parties, their discipline and obedience, and the principle that all legislation should be initiated by ministers, instead of allowing any member or group of members to fly off in pursuit of political fancies and so breaking the party into discordant fragments, held them in an attitude of passive waiting on events. Under a Pulteney, a Newcastle, a Bute, a Spencer Perceval, a Goderich, or an Aberdeen, the parties remained in the position of potential expectation. Not that they were torpid. A constant

effervescence was striving to evolve the master hand and voice which should summon them to a new forward movement. But until the master came who could see his way more or less clearly to the assumption of heavy responsibility, the country was allowed to rest in peace secure from reckless, incoherent, irresponsible, and revolutionary legislation. That even under leaders so obtained there have been grave and dangerous mistakes is a matter of course, but it may fairly be said that nowhere else have they been reduced so near the minimum consistent with human infirmity.

Never, perhaps, in any country has there been a great national party more thoroughly coherent or made up of better material than the Republican party in the United States at the close of the war. Starting as an offshoot of the antislavery movement from a time of profound peace it had achieved great military success. It had got rid of the incubus of slavery, which for a generation had threatened to destroy the work of the Federal Constitution. It had brought out the Union, which in the opinion of the civilized world had gone hopelessly to pieces, in greater strength and more firmly bound together than ever. And at the apex of the structure stood the mighty personality of Abraham Lincoln, all the more imposing that the wearer had been struck down at the moment of greatest success. Almost all of the highest intelligence, the purest enthusiasm, and the most earnest purpose of the country responded without hesitation to any call in the name of the Republican party. And the force of the impulse was so great that thirty years later that name is still a spell to conjure with, even as the waters of a rapid river retain their separate character far out into the sea. But the animating spirit was gone. The question of slavery was eliminated forever, notwithstanding the efforts of the leaders to keep it alive. Economic questions, currency and the tariff, had

a certain degree of interest, but the people did not understand them. It was curious to see how when one of these was made the basis of a political campaign crowds would flock to hear speakers, who themselves possessed knowledge of the most elementary kind, and how bewildered the audiences were at the end. Yet this was the method looked to to guide the policy of a great nation. Even civil service reform with its highly moral side lost most of its force, because the politicians were half-hearted in its defence and its most ardent advocates were outside of politics altogether. Of real leadership and guidance there was not a trace.

One of the highest productions of modern art is a large orchestra. Seventy-five or one hundred men, each a perfect master of his instrument, are joined together, and under a skilled conductor of genius they interpret the works of the great composers with ravishing perfection. Replace that conductor with an inferior, or if it is conceivable ask them to play without any leader at all, and note the cacophony which will result notwithstanding the skill of each individual.¹ The experience of our war showed how the fate of armies substantially alike in character depended upon the quality of the general placed over them. Yet the worst general which we had was better than a committee of generals. We ask seventy millions of people to do what it will be admitted that no orchestra and no army could ever do.

Nor does it mend the matter that public affairs are intrusted to Congress, which itself, so far as it is not ruled by the lobby, turns helplessly to the people for guidance. It has been already shown, though it cannot be too often

¹ How sour sweet music is
When time is broke, and no proportion kept!
So is it in the music of men's lives.

—SHAKESPEARE, "Richard II.," v. 5.

repeated, that Congress is itself little more than a mob ; that its members do not represent the country, but only their States or districts, and have no influence or authority outside of them ; that these members are in no way responsible for administration or government, and that their legislation is framed not with reference to those great objects but solely for party success ; that even party success does not mean adherence to a continuous policy under the guidance of leading and tried statesmen, but a fortuitous concurrence of equal atoms held together by the most strenuous exertions of managing politicians working through an appeal to private interests. Accordingly, the demand, and therefore the supply, is not for statesmen at all, but for skilful wire-pullers who can prevent the shifting majority from dissolving altogether. Such men are not big enough, even if they had the opportunity, to carry on government, and this, as well as the jealousy of individual prominence which always exists in a legislative body, insures that everything shall be done by committees. From the consequent suppression of personality and the concealment of motives and inducements for legislation which committee work involves, all moral and personal enthusiasm in the people is discouraged. Hence it is that the great Republican party formed by the war has become a stringless instrument. The rank and file are as sound as ever and as ready for good and honest work, but the offices are filled by a set of men, to speak generally, dishonest so far as they are able and insignificant so far as they are honest, who get the control of nominating conventions, and carry elections by appeals to the remnant of enthusiasm left over from the war. The people ask for bread and they are offered a stone.

As to the management of Congress, it would be difficult to point to a single well-considered measure since the war closed which was passed distinctly in the interest of the

people at large. Everything is done either directly in the interest of party supremacy, or with a reckless ignorance of and disregard for the administrative consequences of Acts which may be passed. In illustration of the last point take the Interstate Commerce Commission, constituted February 4, 1887, with large executive powers but without any intervention of the executive branch beyond the appointment of its members; a device of which we shall see some interesting developments under the State governments. This commission proceeded to suppress certain arrangements of the railroad companies, such as pooling, long and short haul rates, etc., and the companies and the holders of their securities were subjected to enormous and ruinous losses while it was being demonstrated to the satisfaction of the commission that these arrangements were the best which the experience of the railroad companies had been able to devise for mitigating the disastrous effects of unrestricted competition. Examples have already been given in the tariff, the currency, and the finances generally of the combined effect of ignorance and the struggle for party supremacy. For a pure sample of the latter, reference may be made to the Force Bill, which passed the House of Representatives by a vote of 155 to 149 on July 2, 1890. The purport of this bill was to place the elections for members of Congress under the control of the federal power instead of, as now, under the State governments, the object being to secure the intimidated negro vote in the South for the Republican party. All its other far-reaching consequences were put out of sight for the sake of this.

The first revolt against this inherited Republican supremacy came with the nomination of James G. Blaine for the presidency in 1884 and the election of the first Democratic President since the war. The fact may be noted without discussing the merits of the case. The

weariness and disgust of the country with Republican management culminated in 1890, when the elections resulted in a Democratic majority in both houses, and the change was completed in 1892 by the addition of a Democratic President, the Republican, Harrison, having intervened between Mr. Cleveland's two terms.¹

And now a new object-lesson in party government presented itself. The Republican party, like their predecessors the Whigs and to some extent the Federalists, may be called the aristocratic party. Their theory in practice, if not avowedly, is that the people should select a small number of the best citizens, and handing over public affairs to them should go about their business and trouble themselves no further, unless to keep firm in the party ranks. An impersonal government, therefore, by committee and legislature does not shock them, and they are prepared to get on by conciliation and compromise. This quality, added to the inheritance of the war and the practice of a quarter of a century, enabled them to govern after a fashion, even if they governed badly. The Democrats, on the other hand, are nothing without leadership. Insisting on equality, while they are at the same time decidedly self-assertive, they need a strong personality to keep them in working order. Having, besides, been under a cloud during the war and ever since without any practice of party discipline, they were, as a party, in a state of complete anarchy, quarrelling at once with each other and with the President. It is not surprising that the short period of one Congress should have brought disastrous failure, and that the country, concluding that the frying-

¹ In December, 1891, the first session of the Fifty-second Congress, the figures were, — House: Republicans 88; Democrats 233. Senate: Republicans 47; Democrats 39.

In December, 1893, the first session of the Fifty-third Congress, — House: Republicans 126; Democrats 220. Senate: Republicans 38; Democrats 44.

pan of the Republicans was a less evil than the fire of the Democrats, again reversed the situation.¹

Note that the Republicans offered no new policy or any prospect of reform. The simple reasoning was in effect, "We may have been bad, but the Democrats are worse, and you will have to come back to us." And the country came to regard a state of things which had filled it with wrath and disgust as upon the whole and by comparison rather desirable. Consider next how rapidly a government must decline in character and in the respect of the people under a logic like that, and what a boundless prospect it opens to skilled rascality.²

A single session, however, was sufficient to throw doubt upon the soundness of this conclusion and to leave the country in a state of indecision as to which of two evils was the least. One proposition seems to be approaching the clearest demonstration, — that reform in our national politics does not depend merely upon a change of parties. At present both suffer from the same difficulty, — the attempt to make an orchestra play symphonies without a conductor, an army to win battles without a general. Yet if any effective reform is ever to come, the present organization of parties is of the highest value.

It is a striking proof of the sound instinct and political sense of our people that notwithstanding the unsteadiness of the ranks at the top, the bodies of the two great parties remain almost intact. The great mass of the voters is divided on these two lines, ready, if properly led, for good work by mutual competition. But there are signs of disintegration which make it doubtful how long this will endure. Impatient with the failures of parties, fac-

¹ In December, 1895, the figures were, — House: Republicans 249; Democrats 94; Others 7. Senate: Republicans 44; Democrats 40; Others 6.

² It is hardly necessary to point out how greatly this reasoning is strengthened by the presidential and congressional campaign of 1896.

tions are constantly trying to get the upper hand. Nor by the word 'faction' is it meant that the objects are necessarily bad. Often they represent ends good in themselves, but details of government put forward either by theorists, who exaggerate their importance, or by individuals seeking for advancement in politics. As instances of such details flourished from 1852 to 1860 the Know-nothing party, based on opposition to foreigners, which elected the governors in some States and was narrowly beaten in others. The Greenback party, which advocated large issues of legal tender paper, held a nominating convention in 1886 at which nineteen States were represented, and nominated candidates for President and Vice-President. The Prohibitionists, though most active in the several States, yet in 1872, 1876, 1880, and 1884 held nominating conventions and presented candidates for President and Vice-President. A so-called Labor party has gathered a considerable following, and another equally indefinite, known as Populists, has secured a certain number of members both in the Senate and in the House. The strongest factions thus far, however, appear to be the American societies based upon the original Know-nothing party, and of which the principal branch is the American Protective Association, largely Anti-Catholic. These societies have been said, though probably on not very reliable data, to command from two to four million votes, say one-sixth to one-third of the total vote of the country, and to influence something like one-half of the members of both houses.¹ The Independent or Mugwump element, which deserted the Republican party upon the nomination of James G. Blaine in 1884. can hardly be called a separate party, as its members are inclined for the most part to cast their votes with the Republican or

¹ General Michener of Indiana, in the *Boston Herald*, April 20, 1896.

Democratic party, as either seems to offer at the time the best prospect of action for the public welfare.

It is true that these different movements have not seriously broken into the old parties. Mr. Bryce says:¹—

Why, considering the reluctant hesitancy of the old parties in dealing with new questions, and considering also that in the immense area of the United States with its endless variety of economic interests and social conditions we might expect local diversities of aim and view which would crystallize and so give rise to many local parties—why are not the parties far more numerous? Why, too, are the parties so persistent? In this changeful country one would look for frequent changes in tenets and methods.

One reason may be found in the enormous trouble and expense required to found a new national party. To influence the votes, even to reach the ears of a population of sixty millions of people, is an undertaking to be entered on only when some really great cause fires the national imagination, disposes the people to listen, persuades the wealthy to spend freely of their substance. It took six years of intense work to build up the Republican party, which might not even then have triumphed in the election of 1860 but for the split in the ranks of its opponents. The attempt made in 1872 to form a new Independent party out of the discontented Republicans and the Democrats failed lamentably. The Independent Republicans of 1884 did not venture to start a programme or candidate of their own, but were prudently satisfied with helping the Democratic candidate, whom they deemed more likely than the nominee of the Republican party convention to give effect to the doctrine of Civil Service Reform which they advocate.

Why, however, do not the professional politicians, who "know the ropes" and know where to get the necessary funds, more frequently seek to wreck a party in order to found a new one more to their mind? Because they are pretty well satisfied with the sphere which existing parties give them and comprehend from their practical experience how hazardous such an experiment would be.

Still there is no doubt that all such efforts tend to disintegrate the national parties, to render the voters more apathetic and less interested, and to weaken the cohesion and party loyalty which form so invaluable a working force in time of need.

¹ "American Commonwealth," Vol. II., pp. 17 and 20.

As an illustration of the effect in popular government of looking to popular impulse for the initiation of measures, it may be observed that perhaps the worst of all expedients for remedying the defective working of a government by legislature like ours, that which combines the evils of them all, is one which is urged by perfectly disinterested advocates of reform and is known as proportional representation. If there is one principle at the base of popular government, it is that the majority shall rule. If the largest of three or four fractions is to rule it ceases to be popular government and becomes government by faction. If the tyranny of the majority is bad, a tyranny of the minority is still worse. A great outcry is made because the decision of any question may rest with a half plus one of the people. But that only means that the people do not take interest enough in the particular question to give a larger majority, and even so it is better than a half minus one. It must be remembered that the most important function of all government is to prevent ill-considered action, to insure that existing conditions of society shall not be overturned or even seriously modified until the public mind, as expressed by the majority, is clearly made up that it wishes for the change and is prepared to indicate by its approval in what direction and to what extent a change shall be made.

No doubt the minority should always be given a fair hearing, should have every opportunity of criticising its opponents and holding them to a strict responsibility, and of striving to convert public opinion to its views. There are two agencies for doing this, both of which we have carefully neutralized. One is the presiding officer, such as the Speaker of the House, whose business it should be to protect the minority and give it every reasonable chance to be heard. The other is an executive ministry, acting for the whole country, responsible for administra-

tion, and open to the individual and public criticism of members of the Opposition. As already shown, we have made the Speaker a pure partisan elected by the majority, forming the majority in committees from the majority which elected him, and using all the strength of his position to force through the schemes of the majority without any discussion at all; while on the other hand we have excluded the Cabinet from all voice in the guidance of, and all responsibility for, legislation of any kind.

How completely the result corresponds to these arrangements is shown by this, that the Senate, which does not elect or obey its presiding officer and from which the Cabinet is excluded, has become a mere debating club in which a few determined obstructionists can indefinitely paralyze the whole body and, as in the case of free silver, compel submission to their will; while in the House, from which the Cabinet is also excluded, the rule of the Speaker as established by Mr. Reed has become so absolute that the majority boasts of its despatch in passing legislation without debate. As a case in point, on the 14th of April, 1896, a committee of the whole House, in a single sitting, with one speech from the chairman of a committee and one from another member and a few random questions, passed an appropriation of ninety-seven millions for coast defences, that is, guns and fortifications alone, and having reported its action to the House that body confirmed it the same day without any discussion at all. To try to replace the want of the agencies referred to by splitting up these bodies into fractions striving after different objects of detail would be merely to make confusion worse confounded, and to increase the corrupt trading of special interests. We shall have to consider proportional representation still further in State affairs.

It must be observed that parties in the nation and in Congress are quite different things. In the nation they

are based: 1. upon certain traditional principles; 2. upon principles supposed to be enunciated in the platforms issued by the national conventions, the efforts of which to establish a firm standing-ground are often ludicrous to an extreme; 3. upon the inextinguishable thirst for personality which politicians, not merely the bad but the good, are constantly striving to suppress but as constantly find themselves obliged to take into account.¹ But as soon as we turn to Congress all these elements at once disappear. For the first two the members care little or nothing beyond a formal respect necessary for appearances, while for personality their hostility is most determined. Each one feels himself to be the equal of any other and will tolerate no superiority. The temporary elevation of committees is suggestive of the efforts of a person in a crowd to raise himself upon the shoulders of his neighbors. A slight movement on their part will quickly bring him back to his level. As we have seen, the absolute necessity of some control has compelled the House to intrust great power to the Speaker, but he is after all only one of themselves and they take very good care that he shall remain the slave of the party majority.

¹ But while the adoption of a platform is now an accepted party obligation, the duty is not discharged with complete sincerity. Platform utterances have become so vague and ambiguous that the tendency of public sentiment is to attach much less importance to them than to the declaration of the presidential candidate. Mr. Blaine, in a review article published just before the election of 1892, thus described the change which has taken place.

"The resolutions of a convention have come to signify little in determining the position of president or party. Formerly the platform was of first importance. Diligent attention was given not only to every position advanced, but to the phrase in which it was expressed. The presidential candidate was held closely to the text and he made no excursion beyond it. Now, the position of the candidate, as defined by himself, is of far more weight with the voters, and the letter of acceptance has come to be the legitimate creed of the party." — H. J. FORD, *op. cit.*, Chap. XVI.

A striking illustration of the way in which public opinion is crystalizing towards the executive.

How, then, are the parties held together? The answer has already been given in two words, "log-rolling" and "lobbying." The problem is to bring together and keep together more than a half of two separate bodies composed of equal units. Two influences are rigidly excluded, the interest of the whole people and that of the government administration, neither of which has any representative in either House. Apart from these, every expedient is brought to bear which can be devised by a class of men as keen and bold at such work as can be found in the world. The instrument through which they operate is the private interest of members, an interest which is rendered doubly available by the fact that while there is almost no personal distinction to be won in Congress, the loss of reputation is covered by the shield of party, which protects from personal responsibility. There is no other process by which legislation, good or bad, can be obtained, and in such a struggle the bad has decidedly the advantage. The voters are urged to send to Congress men of character, ability, and public spirit. They might as well be asked to select men of that quality to follow the profession of burglars, a comparison which is not intended to convey any disrespect to the numbers of honest and respectable men who constantly are sent to Congress. Chosen as burglars they would fail just the same in the business.

It is not the men who make the conditions of work. It is the conditions of work which make the men. Therefore it is that the great trusts and monopolies which have sprung up through the country are learning more and more every year that they have only to bring together sufficient money power to work their will with Congress. Therefore it is that each succeeding Congress falls lower and lower, irrespective of party, and that nominating conventions are captured by men who offer to the people as

the candidates of either party those between whom there is very little to choose. Hear what is said by an ex-member of Congress who is pursuing a private occupation in Washington.¹

I see enough every day to satisfy me that the petitions, prayers, protestations, and profanity of sixty millions of people are not as strong to control legislative action as the influence and effort of the head of a single combine with fifty millions of dollars at his back.

If any reader thinks that this picture of affairs is exaggerated, he is invited to study the operation of the same causes in the States and the cities. The evil is not dependent upon party and cannot be remedied by a mere change of party. It is sometimes ascribed to an inordinate greed for money. There is no more greed for money here than in other countries. It is the organization of Congress which offers every facility at once to those who wish to buy and those who wish to be bought. "Wheresoever the carcase is, there will the eagles be gathered together."²

It is a much vexed question, how far the obligations of party are binding upon voters. If, as we have argued, consolidated and disciplined parties are a necessity for carrying on a free government, then the claims of party cannot be ignored. It must first be asked, however, upon what basis do such claims rest. We have found that personality must be eliminated, at least from a political point of view. The demand for it, indeed, is so strong that it cannot be suppressed altogether, but it is made to

¹ Hon. Benjamin H. Butterfield, of Ohio.

² Indeed it is a fact, and we may as well admit it first as last, that the great majority of the people throughout the country are disgusted with Congress in general and the Senate in particular. The most popular thing we could do to-day, and probably in the present condition of affairs the most beneficial thing we could do, would be to pass the necessary appropriation bills and go home. The mere fact that we are in session is a menace to the revival of business and the return of prosperity. (Senator Smith of New Jersey, in the senate-chamber, February 10, 1896.)

turn either upon personal qualities outside of politics or upon the typifying of certain supposed principles or more simply still a mere dummy labelled with a party name. Nothing in our politics is more striking than the rapid disappearance of public discussion before the people preceding elections, as it has already practically disappeared from our legislatures. The nominating conventions are held constantly nearer to the elections so as to allow the least possible time for consideration. The candidates appear, if at all, only as declaimers of generalities, while of subordinate speakers there are practically none.

There was an exception in appearance before the election in the city of New York in 1897. But the speaking was done almost wholly by the independent candidates talking upon city affairs, the candidates of the great national parties taking no part at all, the Democratic absolutely and the Republican in effect. Even in national elections, where the power of personality is strongest, the candidate, being an unknown quantity, is not taken for what he is but for what he is supposed to be, the imagination of the people being worked upon in every possible way.

In the legislature personality is suppressed even more effectually than in the executive, and legislation is so much the result partly of chance and partly of intrigue, that it cannot possibly form any stable basis of party. The result is that the establishment of the platform, the principles upon which the party shall take its stand, has fallen into the hands of conventions, the same which nominate the candidates, and these conventions, in a degree which to an inexperienced observer would seem incredible, have fallen into the hands of a very few persons.

Party is as old as politics itself, and the operation of party in working the machinery of government is seen in all countries having free

institutions; but of party as an external authority, expressing its determinations through its own peculiar organs, the United States as yet offers to the world the only distinct example, although tendencies in that direction are showing themselves in England. There is still, however, nothing of which the British Parliament is more intolerant than an assumption that there exists any constitutional authority exterior to its own, which can claim to give expression to the will of the people. No less keen a jealousy might have been expected from the Congress of the United States, which, according to the Constitution, directly represents both the people and their State governments. Assuredly nothing would have been more incomprehensible and astonishing to the framers of the Constitution than to have been informed that a political jurisdiction would be established, unknown to the Constitution and without warrant of law, whose determinations would be recognized as entitled to delineate the policy of the administration and bind the proceedings of Congress. Such obligation, though constantly paltered with by factious interests and constantly evaded by tricky politicians, is nevertheless unreservedly admitted. To such an extent is this submission carried that it is not an uncommon thing for members of Congress to admit that they are under compulsion of such obligation against their own judgment and belief.¹

The question at once presents itself, By whom is such obligation imposed? Is it any recognized authority, acknowledged as representing the popular will? Nothing of the kind. It is simply a combination of political intriguers who by strength of will and skilful manipulation are able, without assuming any personal responsibility, to impose their wishes upon caucuses and conventions as the binding principles of the party.

The net outcome then is, that party allegiance on the part of the voters is claimed for certain abstract propositions, prepared by a perfectly impersonal and irresponsible committee and accepted by a convention of delegates, strangers to each other and in one session of a few hours on a single day. This allegiance it is attempted to enforce by the most rigid discipline and by excluding from the caucuses, which elect delegates to nominating conventions, or which decide upon the adoption of principles or legis-

¹ "Rise and Growth of American Politics," Chap. XXIII.

lative action, all who have not steadily voted for the regular party candidate and thereby accepted the regular party principles.

The consequences resulting from such enforcement of party rule are most serious. It means that the conservative and sober portion of both parties is dragged onward by the most violent portion of each, parading the spectre of the opposite party.

Another consequence of the condition of party is its effect upon the voters. How can they possibly feel any interest in politics which are conducted in this way? Supposing that all the voters were from a sense of duty to turn out and attend the primaries with an earnest intention of electing the best men; of what use is it when neither candidates nor platforms have politically any meaning? How long can the voters be expected to put themselves to trouble and mortification for such shams as that? And is not boss rule a perfectly natural result of such a procedure? The persistent adherence to the great parties, in spite of all their shortcomings, instead of throwing away votes upon side issues, is the strongest testimony to the loyalty, the conservatism, and the political sense of the people.

If the great parties must exist and if no new party can be formed, at least upon any questions which are now in sight, any hope of improvement must take place within the party lines. That improvement must come from above and not from below. The voters must be led and not driven. Instead of dragooning them into submission to party tests made up for that purpose, they should be won in perfect freedom by the qualities of the men who stand as party leaders and the conduct of government in the hands of those men. How that end may be obtained will be the subject of discussion in a later stage of this work.

The student of history who knows that the anarchy of the Long Parliament threw England into the hands of Cromwell, and the anarchy of the Legislative Assembly and the Convention threw France into the hands of Napoleon, and who feels that the anarchy of the present French chambers threatens to produce a similar result, may naturally ask himself what is to be the outcome of the anarchy of the Congress of the United States. A military despotism seems beyond the reach of imagination. That this great country with practically no standing army and with some fifty State governments, each with its separate organization, its local militia, and its independent population, should fall under the absolute rule of a soldier, seems so chimerical as to excite laughter. The events of the years 1895 and 1896, however, throw a lurid light upon the question. It is one of the commonest observations of history that when the rulers of a country cannot manage its internal affairs they seek to divert and concentrate public attention by foreign war. When the French Legislative Assembly had fully proved its impotence the Girondists, who were neither ignorant nor unpatriotic men, deliberately devised this expedient for consolidating the distracted nation. The Jacobins, who at first opposed the war on their assumed humanitarian principles, soon adopted the idea, and having displaced the Girondists and cut off their heads used it to impose the Reign of Terror upon France. It should be remembered that that reign was carried on by a comparative handful of men, while the rest of Paris and France went on with their private affairs very much as at other times.

For many years past there has been a dispute between Great Britain and the so-called republic of Venezuela as to the boundaries of their respective territories in South America, and it has latterly reached a point at which diplomatic intercourse between the two countries was sus-

pended. On the 20th of July, 1895, Mr. Olney, Secretary of State, wrote a letter to Mr. Bayard, our minister to Great Britain, to be laid before Lord Salisbury, of which, whatever may be the sins of Great Britain, the arrogant and offensive tone cannot be denied. It assumes as its basis the Monroe doctrine, though a flood of publicists in the United States came forward to show that the Monroe doctrine was wholly inapplicable and that the position advanced was an entirely new one. One or two extracts will show the character of that letter.

That distance and three thousand miles of intervening ocean make any permanent political union between an European and an American state unnatural and inexpedient will hardly be denied.

Why should it be so any more than in the case of Canada or Australia?

If, however, the forcible intrusion of European powers into American politics is to be deprecated, if as it is to be deprecated it should be resisted and prevented, such resistance and prevention must come from the United States.

That is to say, the government of the United States is to assume a protectorate over all the South American states whether they like it or not.

To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition.

Which proposition, considering that Great Britain owns as much territory on this continent as we do, and that territory several times as large is owned by other independent governments, does not shine by its modesty.

Why? It is not because of the pure friendship or good will felt for it. It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States (!). It is because,

in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practically invulnerable.

In plain terms because its right rests upon its might, or still more plainly because it can lick all creation.

It should be kept in mind that the question is as to the boundary between two existing states, and Mr. Olney himself says:—

The claims of both parties, it must be conceded, are of a somewhat indefinite nature.

On the 17th of December President Cleveland sent a message to Congress of which the momentous peroration deserves to be quoted *in extenso*.

Assuming, however, that the attitude of Venezuela will remain unchanged, the dispute has reached such a stage as to make it now incumbent upon the United States to determine with sufficient certainty for its justification what is the true divisional line between the republic of Venezuela and British Guiana.

In order that such an examination should be prosecuted in a thorough and satisfactory manner I suggest that Congress make an adequate appropriation for the expenses of a commission to be appointed by the executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such report is made and accepted it will, in my opinion, be the duty of the United States to resist by every means in its power, as a wilful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after the investigation *we have determined* of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow.¹

As such a message sent to a European parliament with reference to another country would undoubtedly have been regarded as a declaration of war. it came upon this

¹ The italics appeared in the reproduction of this passage by an English paper.

country like a thunderbolt from a clear sky. On the next day, the 18th of December, the House of Representatives, without a single voice interposing an objection or asking for even a day of delay, passed a resolution giving the President power to appoint a commission and granting one hundred thousand dollars for the expenses of the same. Being sent to the Senate and referred to the Foreign Affairs Committee the resolution was taken up and passed unanimously two days later.

As it may be safely said that never before since the Civil War have both branches of Congress unanimously agreed with any president about anything, it is not surprising that the noisy and unthinking part of the country and especially of the press should have hailed this concurrence with enthusiasm, and a torrent of applause at once burst forth. Men went about with blanched faces, asking one another if it was true that the majority of the people of this country really wanted war with Great Britain and almost holding their breath as they waited for the response from the other side. The losses to individuals from the fall of securities must have been numbered by the hundred million. Fortunately, in the present state of Europe, apart from other considerations, the last thing which Great Britain wishes for is a war with the United States. The tone of the press and of individuals, therefore, was extremely conciliatory and the queen's speech at the opening of Parliament went so far as to say that "the United States have expressed a wish to coöperate in bringing to a close the Venezuela dispute." Meantime the sober sense of this country had reasserted itself and weighty voices were raised to point out the folly and wickedness even of talking of war on such a pretext. The immediate danger passed by, but the "Jacobins" were puffed up by the very weakness and concessions of Great Britain, boasted loudly of the success they had

achieved, and established a precedent of dangerous import for the future.¹

But Congress is not so easily to be diverted from its purpose. At the same time there was going on in Cuba one of the chronic insurrections against the Spanish government. Into the merits of the conflict it is not necessary to enter, but it may be assumed that the island of Cuba belongs to Spain and that the insurgents have no organized government, no recognized head, and no central point of departure. Entire neutrality or armed interference seemed to be the only alternatives open to the United States. In the month of March, 1896, the Senate passed resolutions affirming that "the friendly offices of the United States should be offered by the President to the Spanish government for the recognition of the independence of Cuba." When this came to the House, Mr. Hitt, the chairman of the Foreign Affairs Committee, made the following pertinent remark: —

Every gentleman in hearing that suggestion made or that proposition presented to him must think in a moment what would be the response if a proposition were made to our government, for example by the British minister, presenting resolutions adopted by the British Parliament, asking and desiring us to consent at once to the independence of Texas, of Florida, or of Michigan.

The substitute passed by the House did not seem to better the case much, as it offered "friendly influence" to secure "a government by the choice of the people of Cuba." At any rate that was the opinion of the conference committee as they voted to accept the Senate resolution which was afterwards passed by the House.

¹ It is fair to admit that the friends of the President maintained that being aware of the war spirit in Congress he adopted this method of drawing the fire and awakening public opinion to the dangerous condition of affairs. If that is so it shows very strongly the necessity of a closer relation between the executive and the legislature, so that the country may be made aware of what is going on without a resort to such explosive and inflammatory expedients.

The Spanish nation, though much less powerful than the British, is more excitable and reckless of consequences, and has its passions less under control. The action of Congress was therefore received in a very different spirit and apparently there was needed only a forward step on the part of the President to precipitate a war. Fortunately, again, Mr. Cleveland was by no means prepared to take such a responsibility. Two other suggestions here present themselves,—that the Republican party owed its great prominence to a successful war, and that in Congress, as we have seen, the interest of the nation is of very little account as compared with that of party.

Let us suppose this spirit of Congress finally to prevail and that this country is forced into a war with Great Britain, all opposition being crushed by a factitious clamor of patriotism. Perhaps the imagination can compass the ultimate conquest of Canada, to be held on similar terms to those which bind Alsace and Lorraine to the German Empire. Evidently the army could not be disbanded at the close of the war but must continue to be maintained by tens if not hundreds instead of units of thousands. Of course there must be a general-in-chief at Washington, and there would be a plenty of men, of the kind which suggests itself without calling names, to point out the opportunity which lay before him. He might quietly draw together about that city some fifty thousand men, Russians, Germans, Slavs, and Italians, excellent soldiers and caring as little for the principles of Anglo-Saxon liberty as for the Ten Commandments. Suppose him on some fine morning to take a regiment to the Capitol, order Congress to disperse and then pay the same compliment to the Supreme Court. From whence could the slightest effectual resistance come in Washington even as it is to-day? It may be said that the States would come to

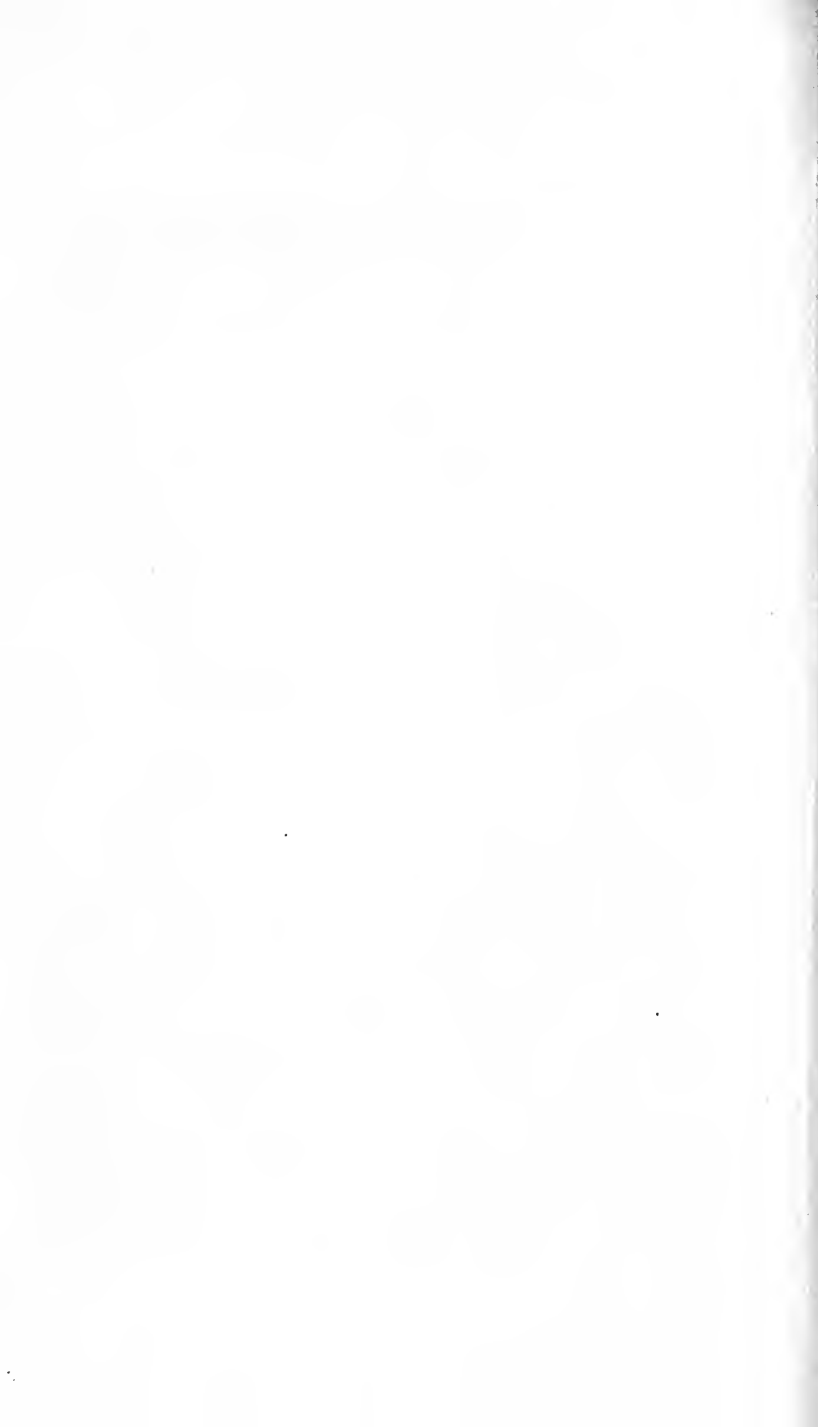
the rescue. How far that expectation is justified will be seen when we consider the State governments. At present two facts may be alluded to. In 1894 Chicago was in the hands of a mob. The railroads were tied up, business at a standstill, and the State authorities paralyzed. This anarchy continued until President Cleveland, on the ground of interference with the United States mails, sent a few companies of United States troops, when the whole disturbance collapsed at once and order was restored. Is it so certain that any more energy would be displayed in defence of freedom against violence, especially when powerfully organized, than there was then in defence of law and order?

Again, the District of Columbia is to-day under the government of three despotic commissioners appointed by the President and with no popular representation whatever. Already a great many people through the country are turning towards that government with envious eyes as so much better than that under which they live, a state of mind not encouraging for resistance to the strong hand.

Before leaving the federal government there is one other subject which ought to be treated. Thus far this work has had to do only with the executive and the legislature and the practical suppression of the former by the latter. But there is a third element, not less important, — the judiciary. It may well be said that there is no one thing which ministers more to the happiness and welfare of a people than an upright, independent, and powerful judiciary. But the federal judges are dependent upon the executive not only for their appointment, but for the enforcement of their decrees. Usurpation by Congress in this direction can do almost as much harm as in the case of the executive and there are signs that more or less of this has already taken place. To treat the subject, how-

ever, with any certainty of touch and to avoid fatal mistakes requires a degree of technical knowledge which the author does not possess, and he therefore prefers to leave it untouched, hoping that others may be found as desirous and more competent to do it justice.¹

¹ This chapter is allowed to remain as it was written in 1896 for the light thrown upon it by subsequent events.



Pol.Sci
B799k

1.

University of Toronto Library

NOT
MOVE
E
RD
OM
IS
CKET

AUG 30 1990



Author By

Title The

DATE

Acme Library Card Pocket
Under Pat "Ref. Index File"
Made by LIBRARY BUREAU

